FREEDOM OF INFORMATION
AND
PRIVACY ACTS

Subject: Julius Rosenberg

File Number: 65-15348

Section: Sub 6 (A)

FEDERAL BUREAU OF INVESTIGATION

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FILE DESCRIPTION

NEW YORK FILE

SUBJECT Julius Rosenberg

FILE NO. 65-15348
Sub "A"

VOLUME NO. 6

SERIALS 360
thru
455

Inventory Worksheet
FD-302 (3-18-77)

NEW YORK FILES

VOLUME 6

REVIEWED BY gmw

File No. 65-15348 Sub-A

Re: Julius Rosenberg

Date 2-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
360	10-2-51	Newspaperclipping/NY Post	1	1		
361	1-20-53	FD-5	1	1		
362	1-20-53	FD-5	1	1		
363	1-20-53	FD-5	1	1		
364	10-17-51	Newsclipping/NY Journal American	1	1		
365	1-20-53	FD-5	1	1		
366	11-5-51	Newsclipping/NY Post	1	1		
367	11-5-51	Newsclipping/NY Mirror	1	1		
368	11-6-51	Newsclipping/NY Times	1	1		
369	11-6-51	Newsclipping/NY News	1	1		
370	11-6-51	Newsclipping/NY Post	1	1		
371	11-6-51	Newsclipping/NY Herald Tribune	1	1		

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Inventory Worksheet
FD-603 (3-10-77)

NEW YORK FILES

VOLUME 6

REVIEWED BY [illegible]

File No. 65-153485 sub. A Re: Julius Rosenberg

Date: 2-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
372	11-6-51	Newsclipping / NY Herald Tribune	1	1		
373	11-7-51	Newsclipping / NY World Tel-Journal Sun	1	1		
374	1-20-53	FD-5	1	1		
375	1-20-53	FD-5	1	1		
376	1-20-53	FD-5	1	1		
377	1-20-53	FD-5	1	1		
378	1-20-53	FD-5	1	1		
379	1-20-53	FD-5	1	1		
380	12-9-51	Newsclipping / NY Post	1			
381	12-19-51	Newsclipping / NY Journal American	1	1		
382	12-19-51	Newsclipping / NY Journal-American	2	2		
383	1-20-53	FD-5	1	1		

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Inventory Worksheet
FD-603 (3-18-77)

NEW YORK FILES

VOLUME 6

REVIEWED BY CMY

File No. 65-15348 Sub-A Re: Julius Rosenberg

Date: 2-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
384	1-20-53	FD-5	1	1		
385	12-31-51	Stat. Comm. to Bureau Ltd. / Regular Ltr.	2	2		
386	1-4-52	Newsclipping / NY Journal American	1	1		
387	1-4-52	Newsclipping / NY Journal American	1	1		
388	1-4-52	Newsclipping / NY Journal American	1	1		
389	1-6-52	Newsclipping / NY Compass	1	1		
390	1-6-52	Newsclipping / NY Compass	1	1		
391	1-6-52	Newsclipping / NY Compass	1	1		
392	1-6-52	Newsclipping / NY News	1	1		
393	1-6-52	Newsclipping / NY Mirror	1	1		
394	1-9-52	Newsclipping / NY Journal American	1	1		
394-A	1-9-52	Newsclipping / NY Journal American	1	1		

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Inventory Worksheet
FD-603 (3-18-77)

NEW YORK FILES

VOLUME 6

REVIEWED BY Cpm/Bx

File No. 65-15348 Sub A Re: Julius Rosenberg

Date: 2-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
395	1-10-52	Newsclipping / NY Post	1	1		
396	1-11-52	Newsclipping / NY Compass	1	1		
397	1-11-52	Newsclipping / Times	1	1		
398	1-12-52	Newsclipping / Times	1	1		
399	1-20-53	FD-5	1	1		
400	1-20-53	FD-5	1	1		
401	1-20-53	FD-5	1	1		
402	2-19-52	Newsclipping / NY Post	1	1		
402A	1-20-53	FD-5	1	1		
403	1-20-53	FD-5	1	1		
404	2-25-52	Newsclipping / NY Journal American	1	1		
405	2-25-52	Newsclipping / NY Post	1	1		

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Inventory Worksheet
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NEW YORK FILES

VOLUME 6

REVIEWED BY [illegible]

File No. 65-15348 Sub-A Re: Julius Rosenberg

Date: 5-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
406	2-26-52	Newsclipping / N.Y. Times	1	1		
407	2-26-52	Newsclipping / N.Y. Mirror	2	2		
408	2-26-52	Newsclipping / N.Y. News	2	2		
409	2-26-52	Newsclipping / N.Y. Times	2	2		
410	2-26-52	Newsclipping / N.Y. Herald Tribune	2	2		
410-A	1-20-52	FD-5	1	1		
411	2-27-52	Newsclipping / N.Y. Journal American	1	1		
412	2-26-52	Newsclipping / N.Y. World Telegram & Sun	1	1		
413	2-28-52	Newsclipping / N.Y. World Telegram & Sun	1	1		
414	2-26-52	Newsclipping / N.Y. Journal American	1	1		
415	2-26-52	Newsclipping / N.Y. News	2	2		
416	2-26-52	Newsclipping / N.Y. Mirror	3	3		

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NEW YORK FILES

VOLUME 6

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File No. 65-15348 Sub-A Re: Julius Rosenberg

Date 2-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
417	2-26-52	Newsclipping / N.Y. Compass	1	1		
418	2-26-52	Newsclipping / N.Y. Times	2	2		
419	2-26-52	Newsclipping / N.Y. Herald Tribune	1	1		
420	2-27-52	Newsclipping / N.Y. Herald Tribune	1	1		
421	2-27-52	Newsclipping / N.Y. News	1	1		
422	2-28-52	Newsclipping / Lawrence Lee	1	1		
423	2-27-52	Newsclipping / N.Y. Herald Tribune	1	1		
424	2-27-52	Newsclipping / N.Y. Herald Tribune	1	1		
425	2-29-52	Newsclipping / N.Y. Compass	1	1		
426	1-20-53	FD-5	1	1		
426-A	1-20-53	FD-5	1	1		
426B	3-3-52	Newsclipping / N.Y. World Telegram	1	1		

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FD-603

Inventory Worksheet
FD-805 (3-18-77)

NEW YORK FILES

VOLUME 6

REVIEWED BY cmi/sgi

File No. 65-15348 Sub A Re: Julius Rosenberg

Date: 2-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
427	1-20-53	FD-5	1	1		
428	1-20-53	FD-5	1	1		
429	1-20-53	FD-5	1	1		
430	1-20-53	FD-5	1	1		
430-A	1-20-53	FD-5	1	1		
431	1-20-53	FD-5	1	1		
432	3-3-53	Newsclipping / NY World Telegram	1	1		
433	1-31-53	FD-5	1	1		
433-A	3-11-53	Newsclipping / NY Journal American	1	1		
434	1-20-53	FD-5	1	1		
434-A	3-12-53	Newsclipping / N.Y. News	1	1		
435	1-20-53	FD-5	1	1		

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Inventory Worksheet
FD-615 (3-18-77)

NEW YORK FILES

VOLUME 6

REVIEWED BY gm 1/29

File No. 65-15348 Sub A Re: Julius Rosenberg

Date 2-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
436	1-20-53	FD-5	1	1		
437	1-20-53	FD-5	1	1		
438	1-21-53	FD-5	1	1		
439	1-21-53	FD-5	1	1		
440	1-20-53	FD-5	1	1		
441	1-20-53	FD-5	1	1		
442	1-20-53	FD-5	1	1		
443	1-20-53	FD-5	1	1		
444	1-20-53	FD-5	1	1		
445	1-20-53	FD-5	1	1		
445-A	1-20-53	FD-5	1	1		
445-B	1-20-53	FD-5	1	1		

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Inventory Worksheet
FD-302 (5-19-77)

NEW YORK FILES

VOLUME 6

REVIEWED BY [illegible]

File No. 65-15348 Sub A Re: Julius Rosenberg

Date 2-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
445C	1-20-53	FD-5	1	1		
446	1-20-53	FD-5	1	1		
447	1-20-53	FD-5	1	1		
448	3-17-52	Newsclipping / My Wabash Telegram Sun	1	1		
449	3-17-52	Newsclipping / N.Y. Herald American	1	1		
450	3-14-52	Newsclipping / N.Y. Herald American	1	1		
451	3-17-52	Newsclipping / N.Y. Post	1	1		
452	1-21-53	FD-5	1	1		
453	3-17-52	Newsclipping / N.Y. Post	1	1		
454	3-17-52	Newsclipping / N.Y. Post	1	1		
454-A	3-16-52	Newsclipping / N.Y. Post	1	1		
455	8-12-52	Newsclipping / N.Y. Journal American	5	5		

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Inventory Worksheet
FD-503 (2-18-77)

VOLUME 6

NEW YORK FILES

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File No: 65-15348 Sub. A Re: Julius Rosenberg

Date: 2-78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
456	1-20-53	FD-5	1	1	
			123	123	

FBI/DOJ

Form No. 1—D. of I.

U. S. Department of Justice

(MATERIAL MUST NOT BE REMOVED FROM OR ADDED TO THIS FILE)

File No. 62-15348

Sub.

Sub. File B

Communist Activities

FEDERAL BUREAU

of

INVESTIGATION

MAJOR CASE

See also Nos.

Section 2

Security Div.

Dept

Washington

The Lyons Den

By Leonard Lyons

THE GENTLE CON: I saw the Ed Byrons at Cherio's yesterday, and she was wearing the large amethyst he'd given her for her birthday. Byron, producer of "Mr. District Attorney," bought it from a doctor in his home town, Cincinnati, and it was the key to a plot as intriguing as any he's ever offered his radio audiences . . . The doctor had flown to Korea on an Army mission, and at the Imperial Hotel in Tokyo he'd met a 72-year-old White Russian — a Czarist nobleman, naturally — whose life he then saved by proper diagnosis and treatment. The next day the grateful patient gave him a large emerald.

"Take it," the man told the doctor. "That's how much my life is worth." Then he gave the doctor a second stone, the large amethyst. "This is for my daughter," said the exiled Russian. "She's in Shanghai. Take it with you, sell it in the States, and send the money to her through the Red Cross or the Swedish Consul." A Cincinnati jeweler appraised it at $500, and when Byron expressed interest in buying it, his doctor friend suggested: "Take it to N. Y. with you. If your appraiser says it's worth more, then pay only the $500" . . . Byron took the amethyst to Milton Schepps, and the jeweler immediately recognized it as one from the Czarist collection, and appraised its worth at $1,000.

Byron sent the $500 purchase price to the doctor, who forwarded the money to the Russian's daughter in Shanghai. The doctor then decided the emerald was too large for him to keep — and too expensive, also, considering the estimated insurance fees. He therefore sent it to Byron, for appraisal and possible sale. Byron took the emerald to Schepps, told him it had come from the same Czarist nobleman who'd held the authentic Czarist amethyst, and requested an appraisal . . . "$35," said the jeweler, after studying it. "It's glass."

THE LIST: When Charles Luckman knew he would resign as head of the Lever Bros. empire, he was ready for the disillusionment which must come to all white-haired boys once the spotlight is dimmed. As head of a company with millions to spend on radio sponsorship, as a well publicized successful young man, they all had bowed and sought his favor. Luckman knew it must change. He prepared a list of those whose attitudes towards him, he was positive, would suffer. The long list was headed by a man who had been enriched with contracts involving a fortune.

The day after Luckman's resignation was announced, one of the first callers was the man who was listed No. 1 on his Wall Street parade. He called with an offer to invest with our fund money to Luckman, in any enterprise he chose.

EXPENSIVE JOURNEY: When President Truman moved across the street, from the White House to Blair House, he became among about the number of guards assigned to accompany him each morning, afternoon and evening, from his new home to his office. The President: Secretary suggested that a bridge be built between both places, to avoid the need for the detail of bodyguards . . . The President was overruled, with a reminder that such a bridge would be only a temporary one, and also that a bridge can be blown up.

THE REACTANT VISITOR: A N. Y. State official invited a prominent city worker to accompany him to Ossining, for a dinner with the warden of Sing Sing prison. "Drive up with me tomorrow," he said. "We'll have lunch, look around the prison, and then drive back to N. Y." . . . "No, thanks. I couldn't go with you to Sing Sing," replied the cafe owner. "It would make me hesitate too much, in all my business dealings."

CHATTER: The lawyer for Julius and Ethel Rosenberg, the atom bomb spies who are awaiting execution, wanted to delay the argument of their appeal, but the Government opposed it . . . The split in the Democratic Party ranks became evident at Roberts Field yesterday, when the candidate, acting Mayor Sharkey, wanted to throw out the first ball. Boro President Cashmore refused to surrender the honor and paid no heed to Sharkey's plea . . . Rudy Halley and the Dewey-designated crime investigator Bill Herlands sat almost side by side at yesterday's services in the West Side Institutional Synagogue . . . Harry Gross' Grand Jury testimony was detailed enough to bust the accused cops in departmental trials.

65-15348-A-360
SEARCHED
SERIALIZED
OCT 3 - 1951
FBI - NEW YORK

TRANSFER SHEET
CHARGE-OUT SLIP

FD-5
(7-10-52)

FILE 65-15348-A 1/20/53
Class Number Last Serial Date

Serials 361 Date

Serials ~~Transferred to 65-15348-D-11~~ Date

Serials Date

Employee:

RECHARGE

Date

To: From:

TRANSFER SHEET
CHARGE-OUT SLIP

FD-5
(7-10-52)

FILE 65-15348-A _____ _____ 1/20/53
Class Number Last Serial Date

Serials 362 _____
Date

Serials transferred to 65-15348-D-13 _____
Date

Serials _____
Date

Employee: _____

RECHARGE

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Date

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FD-5
(7-10-52)

FILE 65-15348-A 1/20/53

Class 363 Number Last Serial Date

Serials _____ _____ Date

Serials transferred to 65-15348-D-12 _____ Date

Serials _____ _____ Date

Employee: _____

RECHARGE

_____ Date

To: _____ From: _____

Leftists' Paper Aids Atom Spies

By HOWARD RUSHMORE

Ethel and Julius Rosenberg, convicted Soviet spies now in Sing Sing's death house, are being portrayed as innocent American martyrs by a left-wing publication which recently leaped to aid Red China in Korea.

"The National Guardian" a weekly headed by John T. McManus, is also collecting funds from its readers to defend the two spies who stole the secret of the atom bomb for Russia.

Chief target of the "Guardian's" campaign is Federal Judge Irving R. Kaufman who sentenced the Soviet agents to the electric chair after telling them "your crime is worse than murder."

FBI ASSAILED TO.

Although the judge received national acclaim for his handling of the case, the "Guardian" accuses him of prejudice, being "openly antagonistic," of running "a kangaroo court" and other judicial "misconduct."

The FBI, which played a major role in obtaining evidence and witnesses in the case, also draws its share of attack by the "Guardian" while the Rosenberg's are portrayed as earnest young Americans who did no wrong and who, by accident, became "the Dreyfus case of cold-war America."

This barrage and its left-wing support comes just before the defense deadline for submitting briefs to the Circuit Court of Appeals.

McManus, general manager of the publication, has in the past sponsored 10 Communist front organizations, has lectured in the Communist Party's Jefferson School and was for a time New York City president of the CIO Newspaper Guild.

Journal American
OCT 17 1951

AC
ASAC 1
ASAC 2
SEC. 1
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SEC. 6
SEC. 7
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TRAINING

ccB

65-15348-A-364

SEARCHED.....INDEXED.....
SERIALIZED.....FILED.....
OCT 19 1951
FBI - NEW YORK

Harrington

FD-5
(7-10-52)

TRANSFER SHEET
CHARGE-OUT SLIP

FILE _____ - 65-15348-A _____ _____ 1/20/53
Class Number Last Serial Date

Serials 365 _____
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Date

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Date

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Date

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SEC. 12
NIGHT SUPT.
PROPERTY
TRAINING UP

The Lyons Den

By Leonard Lyons

Rep. King's Congressional committee, which has been unearthing the tax-fraud scandals, now is checking into gangster control of Internal Revenue officials, control obtained by getting the jobs for these officials . . . Bill Boyle, the ex-chairman of the Dem. Natl. Comm., will return to Washington after his recuperation in Florida and then will be operated on at Georgetown Hospital . . . Ava Gardner and Frank Sinatra will fly to Philadelphia for their wedding. They'll travel by private plane, to avoid reporters . . . Sinatra's wedding gift to his bride will be a bracelet. He gave her a bracelet last year—but then, during a quarrel, she threw it out the window of the Hampshire House and it never was recovered.

Joe Burstyn, distributor of Rosselini's "The Miracle"—whose censorship was upheld by the Court of Appeals—obtained the rights to the prize-winning movie at the Cannes Festival. He wanted to change the title but the director, De Sica, insisted on retaining it, "Miracle In Milan" . . . The big City Hall scandal won't break until after Election Day, lest it insure Rudolph Halley's election . . . The John Gunthers rented a country retreat two hours distant from N.Y.C. Gunther signed the lease sight unseen. The only thing he wanted to make sure of was that it had the kind of phonograph record-changer he likes.

Kitty Carlisle, who has been singing at a number of benefit shows lately, was at a party last week where the guests admired the gown she wore. Miss Carlisle thanked them, then confessed that the bottom of the gown, unlike the rest of it, was somewhat frayed. "But how could it become frayed at the bottom, while the rest of it is so new?" she was asked . . . "The bottom of the gown became frayed from being dragged through so much water lately," said Miss Carlisle . . . "But you've never worn it in the rain," the singer was reminded . . . "No, but in my last appearance onstage," replied Miss Carlisle, haughtily, "I've been following Sharkey, The Seal and Think-a-Drink-Hoffman."

If Eisenhower visits N. Y. protocol will require that he call upon MacArthur . . . The appeal briefs in the Rosenberg atom-bomb spy case will devote many pages to an attack on Judge Irving Kaufman, who sentenced the spies to death . . . Lionel Hampton, the bandleader, has been active in Dem. campaigns in Los Angeles. This year he was offered the Watts district nomination for City Council, and decided against running. His letter of declination read: "Gates, your offer is real wild. Clean booted me out of my socks. But I must refuse because I'm hip I'd have to scuttle my band, and 38 cats would be making with the hungry look. This would bug me throughout my political career. Dig me next time round."

65-15348-A-366

SEARCHED ..... INDEXED .....
SERIALIZED ..... FILED .....
NOV 7 1951
FBI - NEW YORK

TITLE .....
CLASS .....
FROM NY
DATE .....
FOR ..... N. Y. DIVISION

Doomed A-Spies To Ask Reversal Today

Ethel and Julius Rosenberg, the first persons ever sentenced to death under the 1917 Wartime Espionage Law, will ask the Circuit Court of Appeals today to reverse their conviction on charges of passing atomic bomb secrets to Russia.

The U. S. Supreme Court probably will make the final

Ethel and Julius Rosenberg, shown as they rode to separate jails after their conviction as traitors, will ask Circuit Court of Appeals for a reversal today. (AP Photo)

decision in the case, which involved one phase of the operations of an international spy ring which conspired against the U. S. from 1944 to 1950.

Mrs. Rosenberg, 35, and Rosenberg, 33, an electrical engineer, parents of two young sons, are being held in death house cells at Sing Sing, pending their appeal. They were sentenced April 5 and originally were to have died in the electric chair in May.

The Federal Court trial of the pair, along with Morton Sobell, 34, who was sentenced to 30 years, resulted in convictions after Mrs. Rosenberg's brother testified against her and Rosenberg. The brother, David Greenglass, was sentenced to 15 years after turning Government witness.

Also named with the Rosenbergs and Sobell was Anatoli A. Yakovlev, former Soviet vice-consul in New York, a fugitive for five years.

All allegedly were members of the spy ring through which scientist Klaus Fuchs got his British atomic information to Russia. Fuchs is serving an espionage sentence in a British prison.

In addition to Greenglass, one of the principal Government witnesses was Harry Gold, confessed spy and go-between for Fuchs and the Russians. He also is serving a prison sentence for spying.

SAC
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ASAC 2
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SEC. 2
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65-15848-A-367

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NOV 7 1951
FBI - NEW YORK

NOV 5 1951

N. Y. DIVISION

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ASAC 2
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SEC 2
SEC

ERVISOR
CLERK
UNIT

ROSENBERGS FILE APPEAL

Atom-Bomb Spies Ask Reversal of Sentences of Death

Julius and Ethel Rosenberg, sentenced to death on their conviction for turning over atom-bomb secrets to the Soviet Union, filed an appeal brief yesterday in Federal Court charging that the conduct of trial Judge Irving R. Kaufman deprived them of a fair jury trial.

Emanuel H. Bloch, defense counsel, filed a 143-page brief asking the United States Court of Appeals to reverse the convictions. He cited five points that he contended were reversible. Mr. Bloch alleged that the death sentence "constitutes the infliction of cruel and unusual punishment" in violation of the Eighth Amendment.

A separate brief was filed in behalf of Morton Sobell, a co-defendant, who was sentenced to thirty years. Sobell also asserted he was denied a fair trial by the "injection of evidence gravely prejudicial to him and by other misconduct of the prosecutor and the court."

65-15348-A-368

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NOV 7 1951
FBI - NEW YORK

TITLE
CLASS
FROM
BY
DATED
FORWARDED BY N. Y. DIVISION

A-Spies Claim Political Ties Doomed Them

By NORMA ABRAMS

The death sentence handed out to Julius and Ethel Rosenberg, the A-bomb husband and wife spy team, was "punishment for political nonconformity" and "a political bludgeon," a 143-page appeal filed with the U. S. Circuit Court of Appeals asserted yesterday.

Judge Kaufman

Rosenberg, 32-year-old electrical engineer, and his wife, 35, were convicted March 29 by a federal court jury and have since been in Sing Sing waiting execution.

Four of the 10 amendments that make up the Bill of Rights were invoked in behalf of the couple, and 39 pages of the appeals brief were a blast at trial Judge Irving R. Kaufman.

"Behind the mask of impartiality, the trial judge evaded the obligations of judicial propriety," Emanuel H. Bloch, the Rosenberg lawyer, charged.

Charges "Coddling"

Kaufman, the appeal charged, "prompted and coddled" prosecution witnesses, "usurped the functions of the prosecutor" and "treated the defendants with animosity, disbelief and hostility."

All in all, Bloch said, there were legal questions whether the law under which they were tried violates the First and Fifth Amendments to the Constitution, while Kaufman's asserted bias violated the Sixth Amendment. The death sentence, it was added, was contrary to the Eighth prohibiting "cruel and unusual" punishment.

"Never before in the entire history of the United States had a civil court, either in peace or war, decreed a sentence of death for the crime of espionage," it was argued. "Nor for that most grave of all crimes, treason, had there occurred a single execution since the adoption of the Constitution."

All the other A-bomb spies here and in England, it was pointed out, beat the rap with mere prison sentences.

65-15348-A-369

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
NOV 7 1951
FBI - NEW YORK

BY H. K. DIVISION

SAC
ASAC 1
ASAC 2
SEC. 1
SEC. 2
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Rosenbergs' Appeal Seen 2-Year Affair

The case of Ethel and Julius Rosenberg, sentenced to death under a 1917 spy law, may not be decided for two years.

Emanuel H. Bloch, counsel for the Rosenbergs, said the government has two months to answer his plea filed in the U. S. Court of Appeals. Argument and decision will probably take until next summer.

If the appeals court supports the conviction, the case will be taken to the Supreme Court, Bloch said, and it would be two years before final decision is reached. The Rosenbergs are in the death house at Sing Sing.

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Doomed Couple Appeal Spy Case

Attorneys for Ethel and Julius Rosenberg today had filed an appeal with the United States Court of Appeals from their death conviction last March on charges of atomic espionage.

According to Emanuel H. Bloch, their counsel, the case will be carried to the Supreme Court if the Court of Appeals upholds the conviction, and it will be two years before a final decision is reached. Meanwhile, the convicted couple is in the Sing Sing death house.

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Appeal Is Filed By Rosenbergs In Red Spy Case

Protest Sentence of Death; Supreme Court May Make Final Ruling in 2 Years

Ethel and Julius Rosenberg, the first persons sentenced to death under the 1917 war-time spy law, filed an appeal yesterday with the United States Court of Appeals here from their conviction last March on charges of atomic espionage, the first in the nation's history.

Emanuel H. Bloch, counsel for the Rosenbergs, husband and wife, who filed the 142-page appeal, said that the government has two months to answer and that argument and decision would probably not come before next summer. If the court affirms the conviction, added Mr. Bloch, he will take the case to the Supreme Court. He estimated that in this event it would probably be two years before a final decision is reached.

An appeal was also filed by Harold M. Phillips and Edward Kuntz, lawyers, for Morton Sobell, convicted as a co-defendant of the Rosenbergs and sentenced to thirty years.

Rosenberg, thirty-three, and his wife, thirty-five, are in Sing Sing Prison pending their appeal. They were sentenced on April 5 by Judge Irving R. Kaufman in United States District Court for passing atomic secrets to Russia following the testimony, among others, of Mrs. Rosenberg's brother, David Greenberg, who turned government witness and was sentenced to fifteen years.

Mr. Bloch argues that the judgment should be reversed on numerous grounds. He held that the sentence of death for the specific charges alleged "constituted the infliction of cruel and unusual punishment," and was a violation of the 8th Amendment of the Constitution.

He argued also that the espionage act under which they were prosecuted gave the military authorities the right at any time to declare any act or statement of a civilian as treasonable and that this violated the First and Fifth Amendments.

The appeal charged misconduct on the part of Judge Kaufman, who presided at the trial, asserting that he was biased against the defendants and favorable to the prosecution; that he was partial to the prosecution's case in his charge to the jury and that he interfered with the logical development of the defense's case.

Mr. Bloch further set forth that the death sentence in this case ... in its essence, is punishment for political nonconformity, is a "political bludgeon" and that "it is notice that the price of political apostasy can be a man's life."

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Doomed A-Spies Seek New Trial

The United States Court of Appeals has been asked to reverse the conviction of Julius and Ethel Rosenberg, sentenced to death for turning over atom-bomb secrets to the Russians.

Emanuel H. Bloch, counsel for the couple, filed a 143-page brief, citing five points he contended were reversible, in Federal Court yesterday.

Almost one-third of the brief was taken up with blasts at Trial Judge Irving R. Kaufman.

"Behind the mask of impartiality," Mr. Bloch charged, "the trial judge evaded the obligations of judicial propriety."

He insisted that the death sentence was contrary to the Eighth Amendment prohibiting "cruel and unusual punishment."

An appeal also was filed for Morton Sobell, a codefendant in the nation's first atom spy trial, who was sentenced to 30 years.

Harold M. Phillips and Edward Kuntz, counsel for Sobell, also charged that he was denied a fair trial by the "injection of evidence gravely prejudicial to him and by other conduct of the prosecutor and court."

Rosenberg, 32, and his wife, 35, are in the death house at Sing Sing prison pending the outcome of their appeals.

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The Lyons Den

By Leonard Lyons

Julius Rosenberg and his wife, Ethel, are in the death house at Sing Sing. They were convicted for stealing the secrets of the atom bomb and turning them over to Russia, and were sentenced to death. Their appeal is pending. They were part of a spy-ring, and if they make full confession and disclosure about the others in the conspiracy, they can save their lives. But the Rosenbergs still maintain their innocence, despite the fact that the principal government witness against them was her brother, Sgt. David Greenglass . . . And so they're now in Sing Sing, awaiting the outcome of their appeal.

Rosenberg, in the meantime, has had some trouble with his teeth. A dentist was sent for, and discovered the source of the trouble. The treatment necessitates a good deal of work, to which the defendant, under the law, is entitled. The dentist, however, is mindful of the expense to the taxpayer—and insists that inasmuch as the patient is scheduled to be executed, the bridgework or dentures need only be temporary ones. The doomed man, insisting on his innocence and with faith in his ultimate acquittal, demands a permanent job from the dentist. So far, only the temporaries have been installed.

One of Marlene Dietrich's friends was introduced to her daughter, Maria Riva, and was amazed at the young lady's range of knowledge and her capabilities. "Marlene, you've done a wonderful job of raising your daughter," said her friend . . . "Oh, I did nothing. She did all of it herself," Miss Dietrich insisted . . . "No child can do that all alone," the friend insisted. "You must have done something" . . . "No. The only thing I did was to eat apples while waiting for her to be born," said Miss Dietrich. "I ate apples because someone told me it would make my child brainier."

Judy Garland has been negotiating for the sublease of an apartment from the Tishman Realty Co. Vice-president Berkley learned of Miss Garland's difficulty in obtaining the apartment she has in mind, and wrote to the realtors in her behalf . . . The news accounts of Eugene O'Neill's hospitalization were exaggerated. He's suffering only from a minor gastro intestinal disturbance and will be out of the hospital in a few days . . . Phil Silvers, star of "Top Banana," was given a testimonial luncheon at the Astor by the Friars Club. The speechmaking lasted for hours and was ended at 3:30 only because Silvers announced: "My name goes up in lights over the marquee at the Winter Garden in a few minutes and I've got to rush there, as I do every day, to see it."

Bill Veeck, the new owner of the St. Louis Browns, was in Toots Shor's yesterday discussing his promotion campaigns to help raise the attendance at his ball park. He makes a speech a night in all communities within 300 miles of St. Louis. He's notified the Chambers of Commerce in all the cities which were rumored to be the transferee of the St. Louis franchise, stating that if their citizens are such avid ball fans they should arrange day excursions to see the Browns play . . . Veeck, incidentally, said that his 3rd base coach of last season, Hoffman, became so lonely—because so few of his ball players ever reached base—that he converted him into a scout. "The poor guy," he said, "was becoming an introvert."

Veeck has had some difficulty with Will Harridge, president of the American League, over the official statistics of the game in which a midget went to bat for the Browns and received a base on balls. It was the midget's first and last appearance. Harridge ruled it out of the record books. "He had a legal contract to play," Veeck reminded him. "The pitcher against him was charged with a base-on-balls, so somebody had to be credited with the walk." If the midget's appearance was illegal, he pointed out, then the game shouldn't be counted, the season incomplete, etc., etc. . . . Harridge was persuaded.

The N. Y. Philharmonic planned, as part of its 5,000th concert celebration, to use the bassoon used in its first concert by Anthony Reiff, who came here in 1827 and was co-founder of the Philharmonic. His grandson, William Reiff, still has the ancient bassoon, but it won't be used, even for sentimental reasons, because it was found defective . . . Ted Collins signed Randolph Symonette, the bass baritone, for a series of appearances on the Kate Smith TV show . . . Next week Newbold Morris will announce the LaGuardia Awards. The nominees were screened by the Public Service Dept. of NYU's Graduate Division, and the judges include ex-Mayor Hoan of Milwaukee and ex-Gov. Edison of N. J.

During the Oliviers appearance on Broadway in the two Cleopatra plays by Shaw and Shakespeare, Fordham University Theater will present "All For Love," and bill it as "The 'Other' Play About Cleopatra" . . . Nicholas Joy, the veteran actor who has been living in a villa he bought near Monte Carlo, flew back to Broadway to appear in Gant Gaither's new production, "Dear Barbarians" . . . Atty. Gen. McGrath will not be subpenaed to appear before the King Committee. He'll merely be invited to testify.

John Loder read that next Sunday is Bible Sunday, and said to his wife how unfortunate it is that children now spend too much time with comic books and TV and know so little about the Bible. Mrs. Loder disagreed, and they decided to test her 8-year-old daughter, Frances. "Who are Adam and Eve?" Loder began. Frances knew. "Who are Cain and Abel?" Loder asked. The child seemed puzzled, and so he hinted—about the brother-murder. "Oh, of course I know," said Frances. "Abel is Walter Abel, the actor, who murders his brother, and Martin Kane, Private Eye, is called in to solve it."

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Guarding U. S. Nuclear Secrets:

Mystery Man Aided FBI In Round-up of Atom Spies

65-56

[illegible] of a series of articles on how Russia [illegible] history's most fateful international conspiracy and [illegible] America's atomic secrets.

By BOB CONSIDINE

International News Service Staff Correspondent

(World Copyright, 1951, by International News Service)

The round-up of Dr. Klaus Fuchs, Harry Gold, Sgt. David Greenglass and Julius and Ethel Rosenberg—who combined with persons known and unknown to steal the multi-million dollar A-bomb secrets and thus drastically alter the course of history—is cloak and dagger drama at its ultimate.

The major share of the credit belongs to the FBI. The bureau's work in the face of the remotest possible clues stands as an enduring monument to its public service. Scotland Yard played a vital role also, as did at least one agent who cannot be named nor his affiliation indicated.

That one agent—astonishingly enough—can be said to be "close" to the inner workings of the dreaded Russian MVD. While in East Germany in 1948 he managed to obtain a coded MVD memorandum which made passing reference to a Communist agent well known in atomic research.

It did not mention his name, the FBI learned later, when its master cryptologists broke down the difficult code.

A bit earlier, as the cold war grew colder, British intelligence people inside Russia learned that Russian production of a prototype A-bomb was well along the way. Then in September, 1949, to the horror of the free world, Geiger counters and other radiation detecting devices rimming the Iron Curtain picked up the appalling evidence that the U. S. S. R. had successfully tested its bomb.

The Soviet Union could thereforth commence its stockpile and, with confidence, make bold aggressions against the democracies.

The horse, so to speak, had fled, but it did not lessen the determination to lock the barn door. For by that time we had greater A-bombs in the process of manufacture and the holocaustic H-bomb.

By determining how we were robbed the first time, and by catching and convicting the robbers, we might guard against a repetition.

Scotland Yard's chief clue as to the identify of a top spy in the atomic picture looked better than it really was. The single word "Fuchs" had appeared in one of the many notebooks seized from the quarters of Dr. Alan Nunn May, the convicted atomic spy, in 1946.

NO OTHER REFERENCE.

But there was no other reference to the name in May's notes. Other well-known and trusted names also had appeared in May's notes, for he was a man engulfed in the world of nuclear fission and his friendships were admittedly wide.

Nevertheless, the British denied Fuchs permission to travel to East Germany to visit his father, a famed Quaker and professor of religious science—after Fuchs returned from Los Alamos to become head of the theoretical division of Britain's top atomic energy project at Harwell.

In November, 1947, Fuchs returned briefly to the U. S. to take part in the Atomic Energy Commission's so-called declassification conference. This is a little known but shocking fact.

The British, perhaps at the suggestion of Scotland Yard, had left him off the team of experts assigned to aid the top brass in the A. E. C. to decide which information could now be revealed, which must remain secret, and review the latest developments.

But three renowned American atomic scientists insisted that Fuchs be among the British physicists invited to attend!

So, one of history's master criminals arrived, took part in vital hearings, and later spent a short time at the University of Chicago's Argonne laboratories, a key research center.

RETURNS TO ENGLAND.

Fuchs returned to England with a fresh store of advanced information, although there were feeble cries later from U. S. scientists that he had not learned much that he did not already know.

On the first Saturday of the month following his return, he passed the information to the British courier who had taken the place of Harry Gold as Fuchs' contact man.

Shortly after, it was learned by the FBI that Russia was building the same type of devastating bomb whose secrets this country expected to possess exclusively for many years to come.

J. Edgar Hoover's office—cognizant of the provision in the Quebec agreement which enabled British atomic scientists to enter the U. S. without scrutiny—came to the conclusion that the guilty man or men must have been on the British team.

The FBI was troubled by this conclusion, and its earliest suspicions of Fuchs as the "man" by what it calls "one mistake," the brilliant scientist made during his years in this country.

It will not reveal the mistake nor its informant. Suffice it to say that the FBI sent word to Britain in the fall of 1949 that it had better inquire into Fuchs' activities.

A "SUPREME EGOTIST."

The net was closing. And Fuchs, whom Rebecca West later called a "supreme egotist," was beginning to have his first doubts. But before Miss West could [illegible] doubts, Fuchs' Communist [illegible] had.

Fuchs began talking meetings with the contact. The contact's superior in the Soviet spy ring insisted that the courier force £100 (pounds) on Fuchs and demand that he—who had a contempt for money—accept it to prove his loyalty to the party and the intrigue.

Fuchs protested at first. But to demonstrate his faith he accepted the money, to his apparent distrust. He told the courier that while he was still of the opinion that a Marxist world would be a better world than the free one, he reserved to himself the right to criticize certain activities of the Communists.

PLAYED HIM LIKE A FISH.

Scotland Yard played Fuchs like a difficult fish. Three months before his arrest it arranged a tidy promotion for him at Harwell to allay any fears he might have, and obstruct any efforts the Russians might have of "liberating" him. His pay was raised from $4,000 to $5,000 a year.

On January, 1950, Scotland Yard put the question to him. Fuchs stared blandly at them, the perfect picture of a scientist who found police crude and beneath him.

William James Scardon, a security investigator at Harwell, put it quite bluntly. Fuchs shook his head and the little group of British officers were about to leave. [illegible]

MUSIC HALL

Rockefeller Center

MUSICALS TO GLAD

DY YULETIDE!"

hey had no real evidence against him—when Fuchs stopped them.

"I will make a statement," Fuchs said quietly.

In the subsequent interview that followed, and in several others, Fuchs proved a bewildering target to the direct-method police. At one point Scardon accused him directly of giving away A-bomb secrets.

Fuchs seemed surprised.

"I don't think so," he said.

Many exasperating interviews later Fuchs told Scardon:

"I will never be persuaded by you to talk."

It was shortly before lunch time and Scardon suggested that he think it over during the repast. After the luncheon, Fuchs' attitude changed. He agreed to answer questions because he now had a clear conscience.

HISTORIC CONFESSION.

His historic confession followed. It began with his "very happy childhood," his pride in the role he played with the Communist youth of Germany, his years of atomic work and betrayal, and his growing doubts about the perfection of communism.

Fuchs said he was prompted to do what he did because he believed that the Western Allies were deliberately allowing Germany and Russia to fight each other to death.

He added that he was a case of "controlled schizophrenia."

"I used my Marxian philosophy," he expanded, "to conceal my thoughts in two separate compartments. One side was the man I wanted to be.

"I could be free and easy and happy with other people without fear of disclosing myself because I knew the other compartment would step in if I reached the danger point...I succeeded in the other compartment in establishing myself completely independent of the surrounding forces of society."

His conscience was so clear, he said, that he could see no reason why he could not now be retained at Harwell or be permitted to take a university job which would enable him to carry on his work in atomic energy.

To Prof. Michael Perrin, a fellow scientist, Fuchs gave a detailed report on the information he had given to the Russians.

It is a report that has never been released, except in the broadest generalities, because of the fear that he used this device to tell the Soviet Union—by means of the report's publication—things that either had slipped his mind or he had learned since his last contact with his courier.

In sentencing Fuchs on March 1, 1950, Lord Chief Justice Rayner Goddard intoned:

"You have betrayed the hospitality and protection given to you with the grossest treachery.

"Dare we now give shelter to political refugees who may be followers of this pernicious creed, who may well disguise themselves and bite the hand that feeds them?

"You might have imperiled the friendship between this country and the great American republic with whom His Majesty is allied. You have done irreparable harm both to this land and to the United States of America, and you did it as your statement shows clearly for the purpose of furthering your political creed."

SLIM CLUE TO HARRY GOLD.

The FBI, which had supplied the British with vital tips leading to Fuchs' arrest, had difficulty arranging to see the prisoner after he was taken to Brixton and given certain prison tasks which provide time for him to continue his scientific studies.

It was not until the following May that Agents Hugh Clegg and Robert Lamphere were permitted to speak to Fuchs, in the presence of a prison officer. Clegg and Lamphere wanted information about Fuchs' American contacts.

Fuchs explained that while in the U. S. he had had only one contact. He knew him only by the name "Raymond." He did not know where he lived or worked, judged him to be between 40 and 45, a chemist, and perhaps a first generation American.

From that meagre story the FBI found Harry Gold!

(TOMORROW: The Roundup.)

Atom-Bomb Traitors:

Spy Not So Bright, His Sister to Die

By BOB CONSIDINE

International News Service Staff Correspondent
(World Copyright, 1951, by International News Service)

Sgt. David Greenglass, a former member of the Young Communist League who was assigned during the war to work in the world's most sacrosanct tool shop, the one in Building E, Los Alamos, N. M., where the trigger of the A-bomb was engineered, was a thorough soul.

He was not too bright, but he was thorough. And his great idols in life were his brother-in-law and sister, Julius and Ethel Rosenberg—who now face the electric chair for passing along to Russia what the unhappily-placed sergeant was able to glean at his historic work.

A month after the end of World War II Greenglass came back to New York and gave Julius and his sister enough information to enable them to transcribe notes, descriptions and drawings of the vastly improved lens of the Nagasaki bomb.

The pleasure of the Rosenbergs made him feel very proud. And David joined in the laughter when Rosenberg confided to him that he had stolen a complete proximity fuse while on official business at the Emerson Radio Corp., and had turned it over to the Russians.

David, mustered out with an honorable discharge, went to work for Julius in a machine shop.

He had all but forgotten the grave risk he had taken at Los Alamos by the time Dr. Allan Nunn May, the British scientist who had delivered uranium samples and much information to the Russians while working on the A-project in Canada, was apprehended, confessed, and was given 10 years in prison.

But Dr. May and his convicted associates soon faded out of the press. David Greenglass breathed easier. He was making pretty good money working for Julius.

In fact, he still had some of the $500 which Harry Gold had given to him, plus a $50 U. S. War Bond which Ruth had bought at the time they received the $500.

Gold, in those early months after V-J Day and the return of Dr. Fuchs to England, found himself ignored by the apparatus for which he had been working for more than a decade.

In 1946 Gold was forced to look around for a new job. The Pennsylvania Sugar Co., where he had worked for 17 years as a chemist, except for two brief periods of absence at college, closed the lab in which the gentle little man worked and was well liked.

The job he accepted was one of the graver blunders of his life. He hooked on at $100 a week with the Abraham Brothman Associates, chemical research engineers who maintained a laboratory in Elmhurst, Queens.

Gold, too, noticed with alarm the arrest and conviction of Dr. May, but was relieved when the furore subsided. He had no way of knowing that the word "fuchs" had appeared in Dr. May's seized notes. Fuchs was a closed incident in the life of Gold.

And so, apparently, was "John" the name by which he had known Soviet Vice Consul Yakovlev. He had not seen or heard from "John" for a long time.

Then, ten months after his last previous meeting with "John," on which occasion Gold turned over the last information Fuchs was to give him, Gold received in the mail two tickets to a boxing match.

It was a pre-arranged signal, telling Gold to appear (at 8 p. m. on the date stamped on the tickets) at the Earl movie theatre near the Yankee Stadium.

But the envelope had been addressed incorrectly and had taken too long to reach him. The date on the tickets had already passed. Gold waited tensely for several days, then received a phone call at his New York Laboratory.

The date was Dec. 26, 1946.

"Harry Gold?" the voice asked.

"Yes."

"Have you been all right?" It was Yakovlev

"Yes."

"I'll meet you at the theatre tonight at 8 o'clock."

Gold appeared, bought a ticket, and took a seat in the upstairs lounge. Presently a huge man approached him and quickly showed him a torn slip of paper which would be recognition signal for "John's" aide.

MEETS RED BOSS.

Silently the man beckoned to Gold to leave, and took him to a pub at the corner of 42nd and Third ave. Yakovlev was waiting with a smile.

He apologized for not having contacted Gold for ten months, inquired if he had heard from Fuchs, and got down to business. He was going to send Gold to Paris in March, 1947, to meet "a prominent physicist" and obtain information from him.

Gold was willing. He nodded, and said:

"I think I can arrange for leave as soon as the pressure of work at Abe Brothman's has eased up a bit."

Yakovlev sat up as if struc by an electric charge.

"You fool!" he almost shouted.

The Russian dipped in hi pocket, slammed down several bil on the table, and charged out o the place. Gold, struggling int his coat, followed him, whinin for an explanation.

"You've spoiled eleven years of work!" the Russian thundered, while Gold trotted at his side. "You should have remembered that I told you in 1945 that Brothman was being watched by the FBI."

Yakovlev left almost immediately for Russia, and a worried an penitent Gold went back to wor for Brothman. He should hav remembered and been more careful, Gold conceded.

He had served briefly as Brothman's courier in the early 1940 after Bentley — a higher-rankin member of the Communist courie roster — had complained to h boss and lover, Communist Age Jacob Golos, that Brothman w

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not delivering enough valuable material for the Russians.

When Miss Bentley broke with Communism she told the FBI of her relationship with Brothman and how Gold had succeeded her in this work.

Brothman was called before a grand jury in 1947. He told a smooth lie, then coached Gold to confirm it during his own testimony. Gold did so, and both went free.

FBI TRAP SET.

But the FBI now had a picture of Gold and a brief dossier, as a result of that and a subsequent fruitless appearance before the jury.

It was to prove one of the traps that caught him—and the historic track-down of Gold, and his confession, meant that the G-men could close in on the Greenglasses and Rosenbergs, the latter couple now standing in the shadow of the electric chair.

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STATEMENT

by

NATIONAL COMMITTEE TO SECURE JUSTICE IN THE ROSENBERG CASE

Grave doubt exists as to the guilt of Ethel and Julius Rosenberg, who, in April, 1951, were sentenced to die in the electric chair on charges of espionage. The Rosenbergs, young parents of two small children, had pleaded innocent of all charges. Their appeal is now pending in the U.S. Court of Appeals, Second Circuit.

The government's case against the Rosenbergs rests almost exclusively on the testimony of David Greenglass and his wife Ruth, who, according to their own statements, had committed espionage. By testifying against the Rosenbergs, David Greenglass escaped the death penalty and will be eligible for parole in eight years; Ruth Greenglass was never indicted and is free today.

It is worthwhile to reveal, as revealed by the trial record of the case, that the alleged political opinions of Ethel and Julius Rosenberg were a major issue in the case. Fear that the Rosenbergs were also victims of religious bigotry was expressed, immediately following the trial, by the leading Jewish press and by other newspapers in this country.

The severity of their sentence is unprecedented. A sentence of death rests, presumably, upon establishing guilt beyond reasonable doubt. Yet even in cases where no doubt existed as to the guilt of the accused, such as "Axis Sally" and "Tokyo Rose", sentences of only ten years were imposed.

In the Rosenberg case, the future of two young children, as well as the lives of their parents, are at stake. But beyond the fate of this family is the right of all people in this country to freedom of thought. This is another reason why we feel constrained to bring further light upon this extraordinary case. We, my or us, whatever our occupations or beliefs, continue to function if the holding of unpopular opinions should make us liable to unjust prosecution and even to the threat of death.

If you feel, as we do, that justice has yet to be satisfied in the case of the Rosenbergs, you can help in three ways:

1. Join the National Committee to Secure Justice in the Rosenberg Case.

2. Write us for further information, additional copies of this statement and other material on the case.

3. Contribute financially so that we can bring the facts in this case before our fellow citizens, and to assure funds for necessary legal expenses.

NATIONAL COMMITTEE TO SECURE JUSTICE IN THE ROSENBERG CASE

[illegible] 5th Avenue, New York, N.Y.

[illegible] December 31, 1951

[illegible] Thursday, [illegible] 1952 [illegible] and Report

[illegible] COMMITTEE CALLS FOR [illegible] JUSTICE IN ROSENBERG CASE

New York, [illegible] — [illegible] well-known journalist and author, announced today that [illegible] men and women from all over the United States, who represent many occupations and organizations, have joined with him in forming a national committee to secure justice in the Rosenberg case.

The Rosenberg [illegible] and Sobell were convicted in April, 1951, on a charge of conspiracy to commit espionage and sentenced to death, to this day [illegible] to believe that innocent. They are now in Sing-Sing, [illegible] the death sentence imposed upon them [illegible] shocked comment [illegible]

[illegible] the committee's formation, Mr. [illegible] said, this case [illegible] contradictions of [illegible] the sentence and the [illegible] Julius and Ethel Rosenberg, Morton Sobell, Yalye Ross, and others. In addition, the fact that judge and prosecutor both were Jewish has [illegible] McCarthy-like hysteria of the day.

[illegible] Jewish, although one-third of [illegible] population [illegible] Jewish background.

[illegible] attention to the fact that the death-[illegible] Rosenberg [illegible] the leading Jewish press and [illegible] the Rosenberg were victims of religious bigotry.

[illegible] that a 32-page brochure "To Secure Justice In [illegible] Case" [illegible] distributed in scores of thousands, the [illegible] on the initiative of Mr. William Reuben, a journalist noted for [illegible] the Trenton Six case. Mr. Reuben's analysis [illegible] of the Rosenberg [illegible] hundreds of letters of support [illegible] Italy, Australia, [illegible] Canada and the Scandinavian countries.

Among the many Americans who joined Mr. Reuben in forming the committee [illegible] the following: the Hon. Robert [illegible] of the Virgin Islands; Illinois; Rev. John E. [illegible] Wash., D.C.; John E. [illegible] Conn.; Ivan Van Aken, Mass.; [illegible] Rev. Spencer Leonard, Mrs. [illegible] John T. Mollaney, Dr. [illegible] William Reuben, Mr. [illegible] of New York.

A full list of the committee's different [illegible]

Reds Act To 'Free' 2 Doomed A-Spies

By HOWARD RUSHMORE

A new committee which has Red ex-convicts among its sponsors has been set up in an attempt to "free" the convicted atom bomb spies Julius and Ethel Rosenberg, it was learned today.

This group is called the "National Committee to Secure Justice in the Rosenberg Case" with the announced purpose of the campaign to save the two spies from the electric chair.

Among the 125 persons listed as sponsors are Morris U. Schappes, former City College teacher convicted for perjury in 1942. Schappes, after serving two years in Sing Sing became a Communist Party official under the name of Alan Horton.

BARSKY A SPONSOR.

Onother sponsor who also served a jail term is Dr. Edward K. Barsky, an officer of the Communist-dominated Joint Anti-Fascist Refugee Committee, who went ot prison for contmpt of Congress.

Hugh N. Mulzac, former Merchant Marine captain who recently was barred "for security reasons" by the Coast Guard, also is listed as active on behalf of the A-bomb spies.

Other sponsors named by Congress as connected with Communist front organizaions are Edwin B. Burrgum of New York University; John T. McManus, former New York City heado f the CIO Newspaper Guild; Dr. Gene Weltfish of Columbia University and Robert Morss Lovett, former Governor of the Virgin Islands.

A letter from Mrs. Rosenberg in the death house is quoted in the pamphlet in which she writes to her husband that she has a "large comfortable cell" in the death house.

In turn, Rosenberg is quoted in a letter as saying:

"My wife, I stand humble beside you, proud of you and inspired by such a woman."

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JAN 7 1952
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New Group Set Up:

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Committee Formed To Aid Rosenbergs

A National Committee to Secure Justice in the Rosenberg Case has been formed by 125 men and women, Joseph Brainin, journalist, announced. The committee plans to help Ethel and Julius Rosenberg, under death sentence on a conviction of conspiracy to commit espionage. Members include Robert Morss Lovett, former governor of the Virgin Islands; John T. McManus, National Guardian editor; Prof. Edwin Berry Burgum, of New York University; the Rev. Spencer Kennard, religious writer; B. Z. Goldberg, Jewish writer and editor; Mrs. Bessie Mitchell, sister of one of the Trenton Two, and Capt. Hugh N. Mulzac, wartime skipper of the Booker T. Washington.

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JAN 6 1952
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2 A-Spies Must Die, U. S. Insists

The death penalty imposed on Julius Rosenberg and his wife Ethel for stealing atomic secrets for the Soviet Union

Julius and Ethel Rosenberg during trial.

was declared by the Government yesterday to be "perfectly consistent with the Eighth Amendment" of the Constitution.

The Government set forth its position in an 82-page brief filed with the Circuit of Appeals by Assistant U. S. Attorney James B. Kilsheimer 3d.

The Rosenbergs, now in Sing Sing awaiting execution, have an appeal coming up tomorrow in the Circuit Court, but there was some doubt yesterday that it would be reached on schedule.

"Cruel and Unusual"

The spies based their appeal on two counts: that they were deprived of a fair trial by Federal Judge Irving R. Kaufman, and that the death penalty was a "cruel and unusual punishment" under the Eighth Amendment.

Contesting the claims, the Government insisted that the imposition of the ultimate penalty was a "sound exercise of the trial judge's discretion." Furthermore, the Government said, when the Rosenbergs "in willful disregard of security measures" arrogated to themselves the right to destroy this country's atomic "monopoly and bestow an advantage on a foreign country" they merited death.

Call Judge Biased.

The Rosenbergs were convicted of a spying conspiracy last March 29 and were sentenced by Judge Kaufman on April 5.

Their appeal, in which they were joined by co-defendant Morton Sobell, who got off with 30 years in prison, charged that Judge Kaufman "was so partisan as to have deprived them of a fair trial."

Federal Court attaches said the Appeals Court calendar was so heavy that a protracted delay may be necessary.

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Brief Defends Death for Spies

The Government filed an 82-page brief with the U. S. Court of Appeals yesterday, contending the death sentences imposed on convicted atom spies Julius and Ethel Rosenberg do not constitute "cruel and unusual punishment" within the meaning of the Eighth Amendment to the Constitution.

The condemned couple, now awaiting results of their appeal in the Sing Sing death house, were convicted in Federal Court here last March 29 of giving atom secrets to a Russian spy ring. They subsequently appealed, charging the punishment was harsh and that Judge Irving R. Kaufman was "so partisan as to have deprived them of a fair trial."

The Government brief, filed by Assistant U. S. Attorney Kilsheimer, contends there is ample evidence to support the verdict and that the trial was properly conducted. Morton Sobell, convicted with the Rosenbergs and sentenced to 30 years, is also appealing and the three cases probably will be argued early this week.

"It is one thing to entertain and express certain views about the wisdom of an atomic monopoly," the brief declared in regard to the Rosenberg's arguments. "It is quite another to take matters into one's own hands, in willful disregard of security measures adopted by the Government in an effort to destroy that monopoly and bestow an advantage on a foreign country."

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Seek to Escape Chair:

U. S. to Oppose Plea of A-Spies

Two convicted A-bomb spies today will carry their efforts to escape Sing Sing's electric chair to the U. S. Court of Appeals.

In what is expected to be a two-day argument, the Government will oppose the appeal of Ethel and Julius Rosenberg, now under death sentence by Federal Judge Irving R. Kaufman for stealing atom bomb secrets for Russia.

Emmanuel Block, attorney for the Rosenbergs will open the defense argument before Justices Swan, Chase and Frank with U. S. Atty. Myles J. Lane and his assistants Roy M. Cohn and James Kilsheimer III. presenting the Government's case.

PROPAGANDA DRIVE ON.

Meanwhile, a new committee made up of avowed Communists, Red ex-convicts and veteran left-wingers continued their propaganda campaign to "free" the convicted spies.

Known as the "National Committee to Secure Justice in the Rosenberg Case" the group has its headquarters at 242 5th ave. and is headed by Joseph Brainin, named by Congress as affiliated with organizations branded as Communist by the Attorney-General.

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The Lyons Den

By Leonard Lyons

BROADWAY GAZETTE

POLITICS: The members of the Tom Dewey team who worked with the Governor in his '40 and '41 campaigns are not unanimous in following him to the Eisenhower camp. The first and most important defection will be by Harold Talbott, who was Dewey's principal money raiser. Talbott will support the candidacy of Sen. Robert A. Taft . . . Gen. MacArthur, incidentally, also will speak for Taft.

TRAVEL NOTE: Alicia Markova, the ballet star, has been making a tour without her partner Anton Dolin. She recently was scheduled to dance in Nairobi. On the day before the concert Miss Markova's piano accompanist was invited to go on an elephant hunt and accepted. He fired the big, double-barreled gun---one shot--and hit the elephant. But the blast and the recoil affected his hands, and made him unable to play the piano for several days. The concert had to be cancelled . . . "From now on, I shoot the guns," was Miss Markova's order, "as long as guns aren't fired by legs."

SOCIAL NOTE: The current issue of Reader's Digest has an article about Prince Philip, the Duke of Edinburgh, by Jack Winocour. One of the people he interviewed for this piece was Lieut. Gen. Sir Frederick Browning, husband of Daphne du Maurier. Gen. Browning is Controller at Clarence House, the official residence of Princess Elizabeth and Prince Philip . . . At the door, the Grenadier Guard asked the visitor his name. "Mr. Jack Winocour," said the writer . . . The orderly sadly asked: "You mean, just Mister?"

MUSIC DEPT.: Mr. and Mrs. Vladimir Horowitz dined at the home of their lawyer, Bob Broder. Some of the other guests, who were business men, spoke of the importance of the business man in our national economy. The pianist spoke of the importance of the artist. "Let me put it this way," said his wife, Wanda Toscanini Horowitz. "You can always find an artist who is a business man, but you cannot always find a business man who is an artist."

FOREIGN DISPATCH: At a royal reception in Oslo, King Frederick greeted the long line of guests. He saw an American lady whose family and his have been friends for many years, and shook her hand enthusiastically. She hadn't expected such a warm welcome for she still had her bag dangling from around her right arm. The King's pumping of her hand resulted in the opening of her bag, and its contents were spilled over the floor . . . The King stooped to retrieve them, coins, compact, lipstick, and even reached under the royal sofa to get her package of Tums. "Oh, please don't do that, Your Majesty," she said. "I'll pick them up myself" . . . "No, I'll do it," the King insisted. "Remember, a King should be a gentleman too."

NEWS DEPT.: The counsel for Julius and Ethel Rosenberg, the doomed Atom Bomb spies, devotes much of his appeal brief to an attack upon Federal Judge Irving Kaufman. But when the trial ended, the lawyer had thanked the Court for conducting the trial so fairly . . . Olivia de Havilland has been touring with "Candida" across the country, from Virginia to Seattle. "I'll bring the show to any city, village or hamlet that wants to see it," she vows . . . The U. S. Internal Revenue men are sending their top investigators to Cuba . . . Members of the State Bar are planning action against Harry Sacher, the lawyer for the Reds, who has been

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Calls Rosenbergs Victims of 'Deal'

By FRED JAFFE

THE LATEST NEWS: Attorney Emanuel Bloch charged yesterday that the government made a "deal" to go easy on confessed atom spies David and Ruth Greenglass to induce them to implicate David's sister and brother-in-law, Ethel and Julius Rosenberg, in an espionage ring which gave A-bomb plans to the Soviet Union.

Bloch made the accusation as he asked the U. S. Court of Appeals to reverse the conviction and death sentence imposed on the Rosenbergs last April by Judge Irving R. Kaufman. Both are now in the death house at Sing Sing, awaiting the outcome of the appeal. It was the first death sentence imposed by a civil court for espionage in American history.

"I charge that a deal was made between the U. S. Attorney (Irving Saypol), O. John Rogge (Greenglass' attorney) and the Greenglasses whereby David Greenglass was to become a government witness and Ruth, although an admitted spy, was to go scot free," Bloch said."

Greenglass, who faced a possible death sentence, received a 15-year term. His wife was never indicted.

The Greenglasses' motive, Bloch said, was "self-preservation." It was largely their testimony which convicted the Rosenbergs.

The attorney, terming the case a "weak" one "built only on accomplice testimony," asked the three-man bench to reverse on grounds that Kaufman committed error in his charge to the jury and in admitting "matter of an inflammatory and inflammable nature" irrelevant to the crime alleged.

Bloch said Kaufman permitted

ETHEL ROSENBERG
Her appeal argued.

testimony of Rosenberg's political beliefs, including allegations that he had stated he preferred socialism to capitalism. His ideas, the attorney said, were "distorted and twisted" by Saypol to make it appear that Rosenberg had "a predisposition to commit espionage" because of his left-wing views.

"This is not trying a defendant for the crime of espionage, this is trying him for his political beliefs," he asserted.

Bloch pointed out that no government witness identified the Rosenbergs as Communist Party members but Kaufman nevertheless permitted Elizabeth Bentley to testify, as an "expert" witness, that the party "only served the interests of Moscow, whether it be propagenda or espionage or sabotage." This testimony was brought in, according to Saypol, to show the

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Rosenberg Appeal

(Continued from Page 5)

motive for the Rosenbergs' alleged crime.

The attorney objected also to Kaufman's refusal to permit the jury to hear the cross-examination of Ruth Greenglass as well as her direct testimony when the jury, after being out several hours, asked for a re-reading of her testimony on the incidents which she said hatched the conspiracy.

"This point strikes me as important," commented Judge Chase.

Bloch said the cross-examination would have demonstrated that she "memorized" her testimony, giving it in identical words twice.

Bloch will finish his argument today, and the court will hear the the government rebuttal and the appeal of Morton Sobell, who was convicted with the Rosenbergs and sentenced to 30 years.

• • •

BEHIND THE NEWS:

The Rosenbergs are the only persons accused in an American, English or Canadian atom spy case to receive the death sentence. Dr. Klaus Fuchs received 14 years. Harry Gold got 30 years. The maximum in any other case was 30 years, the minimum six months.

The Rosenbergs were also the only ones in the American case who could be linked in any way with the Communist Party and left-wing ideology.

The documentary evidence introduced by the government to support this consisted of an old Spanish Refugee Appeal collection can, found in the Rosenberg apartment after the arrest, and Ethel's signature on a nominating petition for Communist Councilman Cacchione in 1941.

The government, nevertheless, was permitted to try its case on the theory that Communist inclinations automatically supply motive for espionage. It was an important case—politically—for the government to win.

The death sentence was meted out, Kaufman declared, because Julius and Ethel were the "prime movers" in the ring which he said furnished the secret of the A-bomb to Russia years before Russia would otherwise have mastered it.

The Joint House-Senate Committee on Atomic Energy, however, in its report issued after the trial entitled "Soviet Atomic Espionage," took a completely different view. The report labels Greenglass as one of the four top spies in the ring and relegates the Rosenbergs to the minor role of "couriers."

The Atomic Enery Commission last December said that Russia has known the scientific secret of A-bomb manufacture since 1940.

CIRCUIT COURT GETS ROSENBERG APPEAL

Defense Charges Judge in Atom Spy Trial Encouraged Jury to Find the Couple Guilty

Prejudicial trial errors were attributed to Federal Judge Irving R. Kaufman yesterday by Emanuel H. Bloch, defense attorney for atom bomb spies Julius and Ethel Rosenberg, when he argued their appeal from a joint conviction and death sentence last spring.

Mr. Bloch presented a ninety-minute argument to the United States Court of Appeals in the Federal Court House in Foley Square. The three-judge tribunal was headed by Judge Thomas W. Swan, with Judges Harrie B. Chase and Jerome N. Frank as his colleagues.

Separate argument will be made beginning at 10:30 o'clock this morning for Morton Sobell, convicted with the Rosenbergs of conspiracy to commit espionage, and sentenced to thirty years in prison. The Government's rebuttal to all three appeals will be given today by James B. Kilsheimer 3d, assistant United States attorney.

In his argument Mr. Bloch stressed "the anti-Communist atmosphere" that he said had surrounded the trial. He maintained that the jury had convicted his clients because of their political beliefs and not because of anything they had done. While Mr. Bloch did not mention it, his statement recalled that both Rosenberg and his wife had consistently refused to say whether they were Communists, and had been sustained by the trial judge in each instance.

"This case was built by the Government only on accomplice testimony with a professional spy [Elizabeth Bentley] thrown in to inject a prejudicial atmosphere," Mr. Bloch contended.

Mr. Bloch said Judge Kaufman had erred in charging the jury that under the state of international tension last year "the enforcement of the espionage laws takes on a new significance." This, the defense attorney said, was an appeal to the jury's patriotism designed to encourage a guilty verdict.

Judge Kaufman also failed to explain to the jury the defense contention that testimony against the Rosenbergs by David Greenglass was motivated by "self-preservation," Mr. Bloch said. He added that the same contention applied to Ruth Greenglass, wife of David, whom he ranked as second only to David as a prosecution witness.

During the trial last spring United States Attorney Irving H. Saypol maintained that the Rosenbergs, Sobell and others had conspired to commit espionage between 1944 and 1946 and had succeeded in passing the secret of the atomic bomb to Soviet Russia. The Rosenbergs and Sobell were found guilty by a Federal jury on March 29. When Judge Kaufman imposed the two death sentences last April he told the Rosenbergs that their crime was "worse than murder."

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Times
Jan. 11, 1952

PROSECUTORS BACK SPY DEATH PENALTY

Tell Circuit Court Sentences for Rosenbergs in Bomb Case Are Not Excessive

Death penalties for two convicted atomic bomb spies and a thirty-year sentence for a third are not excessive in view of their transmission of the atom bomb secret to Soviet Russia, Federal attorneys argued yesterday before the United States Court of Appeals in Foley Square.

James B. Kilsheimer 3d headed a staff of three young assistant United States attorneys who delivered the Government's reply to appeals for Julius and Ethel Rosenberg and Morton Sobell. Mr. Kilsheimer, 30 years old, was assisted by Stanley D. Robinson, 25, and Roy M. Cohn, 24, who joined him in the Government's brief.

Rosenberg and his wife, now in the death house in Sing Sing Prison, had contended that the death penalties imposed on them last April were "cruel and unusual punishment" under the Eighth Amendment. The Government attorneys maintained that the death penalty had been fixed by Congress for wartime espionage intended to aid a foreign power. The capital punishment imposed on the Rosenbergs constitutes the first case in which the death penalty was inflicted under the espionage statute.

On the question of punishment the Government brief said:

"There is no claim that the sentence meted out to the Rosenbergs exceeded the statutory limits. Nor is the constitutionality of the statutory penalty itself drawn in question. The Rosenbergs' attack on their sentence is predicated entirely on the contention that, in their particular case, the imposition of the death penalty constitutes cruel and unusual punishment under the Eighth Amendment.

"We find no case in which a court has held a statutory penalty valid on its face, but invalid as applied to a particular defendant."

Mr. Kilsheimer argued that the thirty-year sentence imposed on Sobell also was justified by his part in the espionage conspiracy. Sobell, convicted with the Rosenbergs last March 29, had his appeal argued yesterday by Harold M. Phillips.

The defense attorney in his brief contended that Sobell had not been identified with the atom bomb conspiracy; that the evidence against him was insufficient to warrant conviction; and that he had been denied a fair trial.

Mr. Kilsheimer told the circuit court that Sobell and the Rosenbergs had been engaged in a conspiracy to help the Soviet Union through espionage on "any and all military information." Whether Sobell had handled the atom bomb information personally, he said, was beside the point. The Government attorney noted that the conspiracy had continued until 1950.

Attacking the defense contention that the Rosenbergs had been convicted for "political non-conformity," Mr. Robinson said Federal Judge Irving R. Kaufman had acted entirely within his discretion by admitting testimony of the defendants Communist party activities to show the motive for their espionage.

Emanuel H. Bloch, appeal attorney for the Rosenbergs, maintained that they had been convicted for possessing political beliefs.

Senior Judge Thomas W. Swan and Judges Harrie B. Chase and Jerome N. Frank reserved decision on the appeals at the close of argument. Because of the importance of the case and its 2,500-page record, it is expected that the appellate court will consider it for at least one month before reaching a decision. Rosenberg, a 33-year-old electrical engineer, and his wife, Ethel, 35, formerly lived at 10 Monroe Street. Sobell, 34, and an electrical engineer, formerly lived in Flushing, Queens.

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The Lyons Den

By Leonard Lyons

One of the detectives promoted for the quick solution of the Livingston $114,000 jewel-robbery was Frank Malerba. Because he is short and slight and looks so young, he receives unusual assignments. He prepares for them with utmost attention to detail. When Ed Luckenbach, the shipping heir, was threatened by extortionists who set a meeting-place on 34th St., the street swarmed with policemen in disguise. Malerba was assigned there as a "shoe-shine man." So that the quarry would not become suspicious at seeing any gesture denoting inexperience at shining shoes, Malerba spent the previous day in the station-house, shining the shoes of all the policemen who came there.

The attorneys for Julius and Ethel Rosenberg, the doomed atom-bomb spies—the decision of the Circuit Court of Appeals will be announced in a few days—are searching the law books in preparation for motions for re-argument, for their hopes of winning a reversal are lost . . . Robinson Jeffers, the Pulitzer Prize poet who wrote "Tower Beyond Tragedy" and "Medea," has just finished another one, "Hungerfield," inspired by the death of his wife . . . Pierre Fresnay, the French star, may return to Broadway. Irving Jacobs, producer of "Monsieur Lautrec," is flying to Paris to get him for the title role.

On his pre-primary swing through New Hampshire, Senator Kefauver met with some local Republicans who are opposing Sen. Styles Bridges' project for a large jet-bomber base to be located in Portsmouth. "If you can get Congress to find out why, after the Elizabeth, N. J., crashes, a base is being put smack in the middle of Portsmouth," said their spokesman, "we'll give you 10,000 votes in this county, come March 11" . . . "March 11? There aren't 10,000 Democrats in these parts, and the law won't let Republicans vote for Democrats in the primaries," said Kefauver. "But I'll do it, and take a rain-check on those 10,000 votes. It's legal for Republicans to vote for a Democrat in November."

Capt. Edward Molyneaux is bringing his entire collection of paintings, one of the finest in the world, for exhibition at the National Gallery in Washington. They'll be hung exactly as thy were displayed in his Paris apartment... For its Camera Theater's adaptation of "Peer Gynt," NBC-TV will introduce a new camera which can single out any actor and make him look like the distorted figures in the comic-mirrors at Coney Island . . . In its first week's run at Sarasota—whose population is listed at 18,000 in the last census—"The Greatest Show on Earth" played to 25,000 customers. So many people came to see it more than once because 15,000 Sarasota residents appeared in the parade shown in the film.

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The [illegible]ists on Jack Barry's TV program, "Life B[illegible]s at 80," were as[illegible] "With what person would you most want [illegible]spend a day?" W[illegible]n an 82-year-old man selected Tallulah Bankhead, the star later phoned the studio and spoke to Barry for almost a half hour, expressing her delight at having been selected. Miss Bankhead told him that the octagenarian could be her guest for a day . . . The next day Barry received a telegram from Tallulah, addressed to "The MC of Life Begins at 80." It began: "Darling, Now you know why I call everybody 'Darling'. I've forgotten your name."

Edward G. Robinson Jr., whose secret marriage was revealed yesterday, was somewhat hasty also in renting a Hollywood apartment for himself and his bride. He's just received word to report to his N. Y. draft board . . . The head of AMVET, John L. Smith, will be in N. Y. next week to start its Peace Project, "Operation Friendship," sending rubber balls with maps of the world and messages stamped on them, to start an exchange of correspondence between children all over the world . . . George Seaton, who just brought his newest movie, "Anthing Can Happen," to N. Y., berated his favorite restaurateur for turning on a TV set: "Do I bring sandwiches when I come here to eat?"

Marcel Pagnol, the French writer, told a group of friends that these strange times often produce strange economics. As an example he cited a cabinet-maker he knew, who lived near Pagnol in Marseilles. The cabinet-maker worked hard, until he discovered that the government would pay subsidies for large families. He closed and stored the wares from his shop, had 12 children, and thrived on the subsidy. But then the children grew, and as each became 16, the subsidy was less. When the children all were grown and the subsidy stopped, he had to reopen his cabinet-shop. And again he thrived, for his competitors couldn't get fine wood and equipment, while his fine stored wares now had become priceless.

Last night in El Morocco, Billy Rose told his companion, Betty Furness, about his plans to resume his writing career. His first will be a magazine article . . . After Harold Stassen's appearance on "Author Meets the Critic," he asked many technical questions from the TV director and technicians, and told them that TV will elect the next President . . . Alicia Markova returns to the U.S.A. this week-end . . . The enthusiastic response to Sam Levenson's return to CBS is bringing a flock of offers from sponsors . . . Darryl Zanuck's studio produced "Take Care of My Little Girl," an anti-Sorority movie anuck's daughter has just been pledged to Kappa Kappa Gamma sorority.

At the annual dinner of the Shaw Society, at the Algonquin, president Archibald Henderson reported that Shaw once had told him he wasn't concerned about the business at the out-of-town tryouts of his plays. But once they open in N. Y. or in London, then he was not content with Just-Fair business, and felt that if the play wasn't a smash hit it should be closed immediately. "I want to go First, or even Third Class," said Shaw, "but I shall never go Second Class."

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DOOMED PAIR . . . Pictured at the time of their trial as Communist atom bomb spies are Mr. and Mrs. Julius Rosenberg, whose convictions were affirmed today by the Circuit Court of Appeals. The court also upheld the death sentence imposed on the couple now in Sing Sing's death house.

BY HOWARD RUSHMORE

The U. S. Circuit Court of Appeals today unanimously affirmed the conviction of Julius and Ethel Rosenberg, the husband-and-wife spy team, under sentence of death for passing American atomic secrets to the Russians.

The case of the Rosenbergs had drawn worldwide interest because it marked the first time a U. S. civilian court had invoked the death penalty for espionage in peacetime.

The Rosenbergs have been in Sing Sing death house since April of 1951, when Federal Judge Irving R. Kaufman sentenced them following their conviction on charges of conspiring to commit espionage

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Passed Atom Secret to Reds

Largely because of the machinations of the Rosenbergs, aided by an international ring of Soviet agents, they were credited with actually passing the secret of the atom bomb.

The Rosenbergs are now expected to take their fight for their lives to the U. S. Supreme Court. The date for their execution was never set, pending outcome of their appeals.

The unanimous opinion of the Circuit Court of Appeals, written by Judge Jerome N. Frank and concurred in by Judges Harrie Chase and Thomas W. Swan, praised Judge Kaufman's conduct of the Rosenberg trial.

Kaufman had come in for heavy criticism from Rosenberg lawyers, who had accused him of committing a number of "reversible" errors and of setting up an "anti-Communist atmosphere" at the trial.

The Court of Appeals opinion could find no such "reversible" errors.

The Appeals Court demolished another of the defense's arguments when it declared:

"The communications to a foreign government of secret material connected with the national defense can by no far-fetched reasoning be included with the area of First Amedment protected free-speech."

Rosenberg lawyers had argued that Judge Kaufman was "so partisan as to have deprived them of a fair trial."

Former U. S. Atty. Irving Saypol (now a State Supreme Court Jugge), who prosecuted the Rosenbergs, said their claim that Kaufman's sentence was cruel and unusual was "utterly without foundation."

Government briefs also defended Kaufman's handling of the trial.

ROSENBERGS NOT TOLD

At Sing Sing, John J. McCue, administrative assistant to the warden, said prison officials had not been informed of the Appeals Court decision and that the Rosenbergs would not be told until official notfication is received, which may be fore several days.

However, McCue said the Rosenbergs will probably learn the news before that by radio broadcasts which inmates of the death house are permitted to hear.

Coupled in the appeal of the Rosenbergs was the case of Morton Sobell, a co-conspirator, who was sentenced to 30 years for his part in the atom espionage ring.

The Appeals Court ruling means his 30-year sentence stands.

The Rosenbergs, who have two young sons and lived at 10 Monroe st., in Knickerbocker Village, were members of the same spy apparatus in which Dr. Klaus Fuchs, British physicist and confessed Red agent, was an important cog.

They were accused of transmitting atomic information to the Russians with the help of Harry Gold, Philadelphia biochemist.

Gold and Mrs. Rosenberg's brother, David Greenglass, who, as an Army sergeant, worked on the Los Alamos Atomic project in New Mexico, testified against the husband-and-wife spy team.

65-15348-A-404

2 Rosenbergs Fail to Upset Death Penalty

The U. S. Court of Appeals unanimously affirmed today the death penalty imposed on atom spies Julius and Ethel Rosenberg.

The couple has been kept in the death house at Sing Sing since their conviction of funneling atomic secrets to Soviet agents.

The death penalty, imposed after a federal court trial, was described as the first such penalty ever meted out in peacetime by a civilian court in the U. S. for espionage.

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Court Affirms Death Sentences Of Rosenbergs

By ERNEST GEORGE

The convictions and death sentences of Ethel and Julius Rosenberg, convicted last year of conspiring to transmit atomic data to Russia, were upheld yesterday by the U. S. Court of Appeals. The unanimous opinion was written by Judge Jerome N. Frank and concurred in by Senior Judge Thomas W. Swan and Judge Harrie B. Chase.

The same court split 2 to 1 in upholding the conviction of Morton Sobell, who was tried with the Rosenbergs and sentenced to 30 years in prison. Judge Frank filed the dissent, saying Sobell should have had a separate trial.

The Rosenbergs, husband and wife and the parents of two young children, have been in Sing Sing's death house since their sentencing by Federal Judge Irving R. Kaufman last April. Their attorney, Emanuel H. Bloch, said he would file a motion for reargument of the appeal on the ground that the Court of Appeals misapplied the law. If this move fails, the case will be carried to the U. S. Supreme Court.

"We will fight this all the way," Bloch said.

The Rosenberg case evoked widespread interest here and abroad because it was advertised by the government as a link in an espionage chain involving British atomic scientist Dr. Klaus Fuchs and because it produced the first death sentences for espionage conspiracy ever imposed by an American civilian court in peacetime.

Principal witnesses for the government were David Greenglass, brother of Mrs. Rosenberg, and his wife. Greenglass, who faced a possible death sentence, confessed stealing atomic data and said he did it at the urging of Rosenberg. He was let off with a 15-year sentence and his wife never was indicted.

In the appeal to the Circuit Court, the defense argued that the government made a deal with Greenglass whereby he was promised a mild sentence in return for his implication of Rosenberg. It charged that the Rosenbergs were tried not for anything they assertedly did but for their leftist political beliefs.

The appeal also attacked the death sentences as "cruel and unusual punishment" and accused Judge Kaufman of conducting the trial unfairly and practically inviting a conviction on patriotic grounds.

The Court of Appeals rejected these arguments, although Judge Frank, despite the fact that he wrote the unanimous opinion, did dissent on at least two points. One of these related to the government's calling, without notice to the defense, of a last-minute surprise witness.

The court did not directly address itself to the severity of the penalties imposed, saying that it "has no power to modify a sentence" and that "it cannot be held these sentences are unconstitutional."

It rejected the charge that Judge Kaufman had been partisan and unfair and said: "We think the judge stayed well inside the discretion allowed him."

As for defense challenges to government introduction of political ideologies into the trial, the court held that evidence indicating the Rosenbergs "had expressed preference for the Russian social and economic organization over ours" and that they were Communists "is incompetent." However, it added that "an American's deviation to another country's welfare cannot of course constitute proof that he has spied for that country; but one may infer that he is more likely to spy for it than other Americans not similarly devoted."

Of the defense argument that even if the defendants were guilty, they were guilty of no more than aiding a wartime ally, the court held that the evidence showed the conspiracy did not end in 1945 and that the death sentence covered activity during the "cold war" as well.

The Court of Appeals finding was bitterly attacked by the National Committee to Secure Justice in the Rosenberg Case, of which Joseph Brainin is chairman and whose membership includes Robert Morss Lovett, Waldo Frank, Dr. Katherine Dodd, B. Z. Goldberg and other persons of prominence.

The committee, which earlier had announced its first New York mass meeting for March 12, protested that the decision showed "shocking disregard of mountains of evidence."

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Uphold Conviction Of 2 Doomed Atom Spies

By GEORGE GRADY and PHILIP SANTORA

The husband-wife espionage team of Julius and Ethel Rosenberg moved a step nearer Sing Sing's electric chair yesterday when the U. S. Court of Appeals unanimously affirmed their conviction last year for obtaining U. S. A-bomb secrets for the Soviet.

The Rosenbergs, first American citizens ever doomed for espionage, have been in the Sing Sing Death House since shortly after they were sentenced last April 5 by Federal Judge Irving R. Kaufman. Their only hope to escape execution now rests with the U. S. Supreme Court or in a Presidential commutation.

20-Page Opinion

Associate Judge Frank, in a 20-page opinion in which Chief Judge Swan and Associate Judge Chase concurred, asserted that, in view of the severity of the sentence, the appeal was scrutinized with extraordinary care. He held:

"The communication to a foreign government of secret material connected with the national defense can by no far-fetched reason be included within the area of First Amendment protected free speech."

He disagreed, however with the two other judges in the appeal of Morton Sobell, who was tried with the Rosenbergs and was sentenced to 30 years. Sobell contended he should have been granted a severence. Judge Frank said he should have a new trial, but was voted down, 2 to 1.

Rosenberg, 34, an electrical engineer, and his wife, Ethel, 36, were convicted on testimony given by Ethel's brother, ex-Army Sgt. David Greenglass, who admitted passing A-bomb secrets to Philadelphia biochemist Harry Gold.

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Gol[illegible] was sentenced to 30 years [illegible]ison, confessed that he passed on the secrets to Dr. Klaus Fuchs, an atomic scientist whom the British have jailed for 14 years for working with the Russians. Greenglass got 15 years.

On the day of sentencing, Judge Kaufman denounced the Rosenbergs, telling them that their treason had led to the war in Korea.

Judge Frank yesterday asserted it made no difference whether Russia was an ally or a hostile nation at the time of the 1944-45 conspiracy and that Judge Kaufman behaved properly and "well inside the discretion allowed him."

"Evidence produced at the trial," the opinion continued, "indicated the defendants had expressed preference for the Russian social and economic organization over that of this country. They say that they were sentenced to death not for espionage, but for political unorthodoxy and adherence to the

Continued on Page 22

BOUT ENDS IN DRAW, WIT

MRS. ETHEL CAWLEY
She gets off with lecture

65-15348-A-407

Deny Appeal Of 2 Doomed Spies

Continued from Page 3

Communist Party and that (assuming they are guilty) they had only the best of motives in giving information to Russia, which at the time was an ally of this country.

"But the trial judge, in sentencing the Rosenbergs, relied on record evidence which (if believed) shows a very different picture. If this evidence be accepted, the conspiracy did not end in 1945, while Russia was still a 'friend,' but, as the trial judge phrased it, continued 'during a period when it was apparent to everybody that we were dealing with a hostile nation.'

"Judge Kaufman could properly consider the injury to this country of their conduct, in exercising his discretion as to the extent of sentences within the statutory limits."

Judge Frank stressed:

"We must then consider the case as one in which death sentences have been imposed on Americans who conspired to pass important secret information to Russia, not only during 1944-45, but also during the 'cold war.'"

The Rosenbergs, parents of two children and born in New York, were represented by Emanuel Bloch, who said he will "definitely appeal" to the U. S. Supreme Court.

The U. S. Court of Appeals, though it can reverse a conviction, has not the power to modify a sentence—a fact pointed out by Judge Frank.

When the Rosenbergs were convicted, Judge Kaufman delivered one of the most stinging rebukes in the history of jurisprudence, calling their crime as "worse than murder." He said:

"Plain, deliberate murder is dwarfed by comparison with the crime you committed. I believe your conduct in putting into the hands of the Russians the A-bomb, years before our best scientists predicted Russia would perfect the bomb, has already caused the Communist aggression in Korea."

65-15348-A-407

Appeals Court Upholds Rosenberg Death Verdict

Mr. and Mrs. Julius Rosenberg—lose appeal.

By Norma Abrams and Art Smith

Julius and Ethel Rosenberg, New York's home-grown but Russian-bossed spies, must die in the electric chair for stealing the A-bomb secrets of their native land and turning them over to the Soviet Union, the U. S. Court of Appeals unanimously held yesterday.

As the decision was announced at the U. S. Courthouse in Foley Square, only one last avenue of escape remained for the desperate husband-wife espionage team—an appeal to the United States Supreme Court. Emanuel Bloch, of defense counsel, announced that he would file such an appeal.

Brother Not Affected.

Although the higher court also upheld the conviction and 30-year sentence of Morton Sobell, 35, who was convicted with the Rosenbergs, the Sobell decision was not unanimous. Judge Jerome N. Frank, dissenting, asserted that he believed there had been errors in the case before Federal Judge Irving S. Kaufman which justified a new trial.

The Court of Appeals ruling did not affect the 15-year sentence of David Greenglass, an associate of the Rosenbergs and Sobell but not a defendant at the trial. Greenglass had pleaded guilty previously and was the star witness against the trio. He is a brother of Mrs. Rosenberg.

In the Rosenberg opinion, written by Judge Frank and concurred in by Chief Judge Thomas W. Swan and Judge Harrie B. Chase, the court ruled that Judge Kaufman, whose conduct of the trial

(Continued on page 10, col. 1)

65-15348-A-408

Death Verdict Upheld In Rosenberg Appeal

(Continued from page 3)

was the basis for the appeal, had "stayed well inside the discretion allowed him."

"Tried for Unorthodoxy."

"They (the Rosenbergs) say that they were sentenced to death not for espionage but for political unorthodoxy and adherence to the Communist Party; and that (assuming they are guilty) they had only the best of motives in giving information to Russia, which at the time was an ally of this country and praised as such by leading patriotic Americans," the opinion said.

"But the trial judge, in sentencing the Rosenbergs, relied on record evidence which (if believed) shows a very different picture. If this evidence be accepted, the conspiracy did not end in 1945, while Russia was still a 'friend,' but, as the trial judge phrased it, continued 'during a period when it was apparent to everybody that we were dealing with a hostile nation.'"

The opinion pointed out that it is a crime to give secret information to any foreign country, friend or foe.

Judge's Charge Cited.

"Accordingly," the document said, "the trial judge properly instructed the jury as follows: 'I charge you that whether the U.S.S.R. was an ally or friendly nation during the period of the alleged conspiracy is immaterial and you are not to consider that at all in your deliberations.'"

And the higher court said:

"Since the two defendants must be put to death if the judgments stand, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal."

In Death House Since April.

The Rosenbergs received the grim news in their deathhouse cells at Sing Sing, where since last April 5—the day their doom was pronounced—they have clung to the forlorn hope that the Court of Appeals might give them a new trial.

Julius Rosenberg is 34, an electrical engineer educated at the College of the City of New York, born on the Lower East Side of Russian immigrant parents. His 36-year-old wife, also a product of the East Side, bore her husband's two sons. Until their arrest, they lived in a $51-a-month apartment in Knickerbocker Village.

The Rosenbergs are the first native-born Americans to be sentenced to death for such treachery as theirs.

65-15348-A-408

ROSENBERGS' GUILT AS ATOM BOMB SPIES UPHELD ON APPEAL

Full Court Affirms Death for Couple—Sobell Conviction as Conspirator Stands, 2-1

FURTHER PLEA IS PLANNED

Case to Be Taken to Highest Tribunal—Charges Against Trial Judge Rejected

By EDWARD RANZAL

The United States Court of Appeals unanimously affirmed yesterday the espionage convictions of Julius and Ethel Rosenberg for transmitting vital atom bomb secrets to Russia.

Rosenberg, 33 years old, and his wife, 36, were sentenced to death last April by Judge Irving R. Kaufman, who presided at their trial. Both are in the death house at Sing Sing awaiting execution. However, Emanuel Bloch, defense attorney, said he would take the case to the United States Supreme Court.

The court also upheld the espionage conviction of Morton Sobell in a two-to-one vote. Sobell, tried as a conspirator along with the Rosenbergs, was sentenced to thirty years.

The opinion on the Rosenbergs was written by Judge Jerome N. Frank. Senior Judge Thomas W. Swan and Judge Harrie B. Chase concurred. In the case of Sobell Judge Frank voted for a new trial.

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Aspects of the Conspiracy

The Rosenbergs were the center of a conspiracy that involved getting secret atom bomb information from Mrs. Rosenberg's brother, David Greenglass, while he was a sergeant in the Army assigned to the Los Alamos Project in New Mexico. This information was then turned over to a representative of the Soviet Union.

At the trial, Greenglass testified that he had been recruited into the espionage organization by the Rosenbergs for ideological reasons. Greenglass' wife, Ruth, also testified against the Rosenbergs. She was named as a co-conspirator but not a defendant. Greenglass was sentenced to fifteen years for his part in the plot.

Another witness for the Government was Harry Gold, confessed Soviet spy, sentenced to thirty years. Gold, a member of the Klaus Fuchs spy apparatus, said he was the courier who got the secret information from Greenglass and turned it over to Rosenberg. Fuchs, British nuclear scientist, is serving time in England for turning over atom secrets to Russia.

Sobell was charged generally with being a member of the conspiracy. However, he had nothing to do with obtaining atom secrets. He was found guilty of turning over vital radar and electronics data to the ring while he was employed by the General Electric Company in wartime.

Sobell contended in his appeal that his trial should have been severed from the Rosenbergs because two conspiracies were charged, and he was accused of taking part in only one of them. He contended that going to trial with the Rosenbergs was highly prejudicial to his case.

Judge Frank's Views

In this connection Judge Frank wrote:

"A majority of this court have concluded that there was a single unified purpose: the 'common end' consisted of the transmission to the Soviet Union of any and all information relating to the national defense.

"The writer of this opinion disagrees. He thinks that there was error * * * which requires that Sobell be given a new trial."

At the beginning of the opinion Judge Frank wrote:

"Since two of the defendants must be put to death if the judgment stands, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal."

The court held that "the communication to a foreign government of secret material connected with the national defense can by no far-fetched reason be included within the area of First Amendment — protected free speech."

Emphasizing that it was a crime to give secret information to a foreign country, whether friend or foe, Judge Frank wrote:

"Accordingly the trial judge properly instructed the jury as follows: 'I charge you that whether the U. S. S. R. was an ally or friendly nation during that period of the alleged conspiracy is immaterial, and you are not to

Continued on Page 14, Column 3

65-15348-A-409

Rosenbergs' Guilt as Spies Affirmed

Continued From Page 1

consider that at all in your deliberations.'"

Although the defendants charged that Judge Kaufman behaved improperly so as to deny them a fair trial, the court said: "We think the judge stayed well inside the discretion allowed him."

As to the defense contention that it was incompetent for the Government to introduce evidence to show that the defendants were members of the Communist party, Judge Frank declared:

"An American's devotion to another country's welfare cannot of course constitute proof that he has spied for that other country. But one may reasonably infer that he is more likely to spy for it than other Americans not similarly devoted. This court and others have recognized that the Communist label yields marked ill-will for its American wearer."

In discussing the imposition of the death sentences, Judge Frank asserted:

"We must then consider the case as one in which death sentences have been imposed on Americans who conspired to pass important secret information to Russia, not only during 1944-1945, but also during the 'cold war.'

"Assuming the applicability of the community-attitude test proposed by these defendants, it is impossible to say that the community is shocked and outraged by such sentences resting on such facts.

"In applying the test it is necessary to treat as immaterial the sentences given (or not given) to the other conspirators, and also to disregard what sentences this court would have imposed or what other trial judges have done in other espionage or in treason cases. For such matters do not adequately reflect the prevailing mood of the public. In short, it cannot be held that these sentences are unconstitutional."

United States Attorney Myles J. Lane, who presented the evidence to the grand jury leading to the indictments, said the decision "demonstrates once again that no American can betray his country with immunity by disclosing our nation's most vital secrets to a foreign nation, whether friend or foe."

The prosecution staff was headed by Irving H. Saypol, then United States Attorney and now a New York State Supreme Court justice. He was assisted by Mr. Lane, then his chief assistant, and Assistant United States Attorneys Roy M. Cohen, James B. Kilscheimer 3d, Albert Blinder and Stanley Robinson.

SPIES FOR WHOM DEATH PENALTY WAS UPHELD

Associated Press

Julius Rosenberg and his wife, Ethel, whose sentences for espionage were unanimously affirmed yesterday by the United States Court of Appeals. They are shown here on their arrival at the Federal Courthouse last year.

65-15348-A-409

Spy Death for Rosenbergs Upheld; Defense to Appeal to Supreme Court

CONVICTIONS UPHELD—Ethel (left) and Julius Rosenberg on way to jail last year

Appeals Bench Rules Against 2 Linked to Fuchs and Gold in Giving Atom Secrets to Russia

By Walter Arm

The death sentences imposed on Ethel and Julius Rosenberg after their conviction last year on charges of transmitting atomic secrets to Soviet Russia were unanimously upheld yesterday by the United States Court of Appeals.

In a twenty-six-page decision written by Judge Jerome N. Frank with the concurrence of Chief Judge Thomas W. Swan and Judge Harrie B. Chase, the court overruled arguments of the first husband-and-wife spy team in American history that they had been convicted because they were members of the Communist party and that the extreme penalty imposed by Judge Irving R. Kaufman constituted "cruel and unusual punishment."

Emanuel H. Bloch, attorney for the Rosenbergs, said he would "definitely" appeal the ruling to the United States Supreme Court. His clients, the first Americans ever to face execution for espionage in the history of American

Soviet Vice-Consul in New York, now believed safe behind the Iron Curtain.

Another witness of the ring, sentenced to thirty years in Philadelphia, was Harry Gold, a Philadelphia biochemist, who testified that the Rosenbergs were an integral part of the ring which obtained secret data from Dr. Klaus Fuchs, the convicted British scientist, and passed it on to Russian agents.

The Rosenbergs, native New Yorkers, who lived at 70 Monroe St., on the lower East Side, have two children, Michael, eight, and Robert, four. The children are now in a Bronx welfare home.

The couple was convicted March 29 and sentenced to die April 5. Judge Kaufman, at that time, called their crime "worse than murder" and added: "I believe your conduct . . . has already caused the Communist aggression in Korea with the resultant casualties. . . . By your betrayal, you undoubtedly have ch-

(Continued on page 18, column 2)

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civil jurisprudence, are now lodged in separate death cells at Sing Sing prison. Although not officially notified of the court ruling against them, officials of the prison said last night that the couple undoubtedly learned of it over the prison radio.

Julius Rosenberg, thirty-three, was an electronics engineer. His wife, thirty-six, who described herself as a housewife, was convicted of helping him to pass military secrets to Russia during World War II. They were found guilty with Morton Sobell, a radar expert, of conspiring with others to commit espionage from June 6, 1944, through June 16, 1950. Sobell, whose conviction was also upheld yesterday, was sentenced to thirty years.

Key witness against the Rosenbergs was David Greenglass, a former Army sergeant and brother of Mrs. Rosenberg, who pleaded guilty and was sentenced to fifteen years. He testified his brother-in-law induced him to join the spy ring. Also named in the indictment was Anatoli A. Yakovlev, former

Rosenbergs

(Continued from page one)

tered the course of history to the disadvantage of your country."

The high court smashed the appeal argument of Mr. Bloch that his clients had been convicted because of their political beliefs and also his contention that the alleged crimes charged against the couple were committed, if they were committed, when Russia was an ally.

"It is a crime," the decision stated, "to give secret information to a foreign country whether friend or foe."

The court held that Judge Kaufman had properly instructed the jury when he told them: "I charge you that whether the U. S. S. R. was an ally or friendly nation during the period of the alleged conspiracy is immaterial and you are not to consider that at all in your deliberation."

Although the defendants said Judge Kaufman had acted improperly and thus denied them a fair trial, the court ruled: "We think the judge stayed well within the discretion allowed him."

The court ruled that evidence introduced during trial that the defendants "expressed preference for the Russian social and economic organization over ours," and that they were members of the Communist party "is incompetent."

It added, however, "An American's deviation to another country's welfare cannot of course constitute proof that he has spied for that other country; but one may reasonably infer that he is more likely to spy for it than other Americans not similarly devoted.

The court pointed out that Elizabeth Bentley, self-confessed former Communist courier, had testified against the Rosenbergs and added: "If the jury believed Elizabeth Bentley, she supplied the missing link connecting the Communist party with the Soviet Union and making Communist party membership probative of motive for intent to aid Russia."

"This court and others have recognized that the Communist label yields marked ill-will for its American wearer," the decision stated.

Cite 60-Year Precedent

The court noted that, "Since two of the defendants must be put to death if the judgments stand, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted in the appeal." The court added: "Unless we are to overrule sixty years of undeviating Federal precedents, we must hold that an appellant court has no power to modify a sentence. . . In short it cannot be held that these sentences are unconstitutional."

Reviewing the arguments of the Rosenbergs, the court ruled: "They say that they were sentenced to death, not for espionage, but for political unorthodoxy and adherence to the Communist party; and that (assuming they are guilty) they had only the best of motives in giving information to Russia which, at the time, was an ally of this country, praised as such, by leading patriotic Americans."

But Judge Kaufman, the court stated, "relied on record evidence which shows a very different picture."

"If this evidence be accepted," the court ruled, "the conspiracy did not end in 1945, while Russia was still a 'friend', but, as the trial judge phrased it, continued 'during a period when it was apparent to everybody that we were dealing with a hostile nation.'"

In that event, the decision continued, "we must then consider the case as one in which death sentences have been imposed on Americans who conspired to pass important secret information to Russia not only during 1944-'45, but also during the 'cold war.'"

The court declared: "The communication to a foreign government of secret material connected with the national defense can by no far-fetched reason be included within the area of the First Amendment protected by free speech."

The court declared: "It is impossible to say that the community is shocked and outraged by such sentences resting on such facts." Noting that the defendants had asked for "a community-attitude test" regarding the sentences, the court stated: "In applying that test it is necessary to treat as immaterial the sentences given (or not given) to the other conspirators, and also to disregard what sentences this court would have imposed or what other trial judges have done in other espionage or in treason cases . . . such matters do not adequately reflect the prevailing mood of the public."

The decision upholding the conviction of Sobell was two to one, with Judge Frank dissenting. The judge agreed with Sobell's contention that his trial should have been severed from that of the Rosenberg's because two conspiracies existed and he played no part in one of them. Judge Frank stated: "The writer of this opinion . . . thinks that there was error . . . which requires that Sobell be given a new trial."

United States Attorney Myles J. Lane called the decision "most gratifying."

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Public Favors Death Penalty For A-Spies

By HOWARD RUSHMORE

Since he sentenced A-bomb spies Ethel and Julius Rosenberg to the electric chair "for a crime worse than murder," Federal Judge Irving R. Kaufman has received more than 10,000 letters applauding his action.

Mixed with this public applause of his action were about 150-200 "hate" letters from Reds and left-wingers accusing him of being "cruel" and "unjust" to the two Soviet espionage agents.

This became known today following the unanimous decision of the U. S. Circuit Court of Appeals affirming the conviction of the Rosenbergs—and, in effect, the death penalty.

UPHOLD JUDICIAL CONDUCT.

In an opinion signed by Judge Frank and concurred in by Judges Swan and Chase, the higher court upheld Kaufman's handling of the trial and his judicial conduct.

This decision is in sharp contrast to the attacks carried on by the Daily Worker and other Communist and left-wing newspapers against Kaufman since he imposed the death penalty last April.

Emanuel H. Bloch, lawyer for the Rosenbergs, said he "definitely" would appeal to the U. S. Supreme Court. If that court should affirm the conviction, the case will revert to Kaufman, who will then set a date for the execution of the husband-and-wife spy team.

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Rosenbergs to Appeal To Supreme Court

Julius and Ethel Rosenberg, one step nearer the Sing Sing electric chair after the U.S. Court of Appeals yesterday upheld their espionage convictions and death sentences, will appeal to the U.S. Supreme Court for their lives.

The couple, found guilty last year of transmitting atomic secrets to Russia, were the first Americans ever doomed for espionage outside a military courtroom.

After the decision yesterday defense attorney Emanuel H. Bloch said he "definitely" would take the case to the Supreme Court.

The Appeals Court also upheld the conviction of another defendant at the Rosenbergs' trial, 35-year-old Morton Sobell, who drew 30 years in prison for his part in the plot. The vote was two to one.

N.Y. WORLD TELEGRAM & SUN

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Good Decision

THE action of the U. S. Circuit Court of Appeals in upholding the conviction of Ethel and Julius Rosenberg will be applauded by all Americans.

The two atom spies were convicted by a jury of their peers of stealing the secret of the atom bomb—a crime Federal Judge Irving R. Kaufman rightfully called "worse than murder."

The unanimous opinion of the Circuit Court also praised Judge Kaufman and upheld his legal handling of the trial.

This is a welcome support for the courageous young jurist who has been the object of a concerted left-wing and Communist "smear" campaign since he sentenced the Rosenbergs to the electric chair last April.

The higher court decision also is vindication for Irving H. Saypol—now a State Supreme Court Judge—who as U. S. Attorney prosecuted the Rosenbergs.

He and his able young assistants, Roy M. Cohn, James Kilsheimer III and John Foley, were also the target of a continuous Red and left-wing propaganda barrage.

The action of the Circuit Court is a worthy tribute to these courageous Americans who did their duty for their Government.

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Appeals Court Upholds Rosenberg Death Verdict

Mr. and Mrs. Julius Rosenberg—lose appeal.

By Norma Abrams and Art Smith

Julius and Ethel Rosenberg, New York's home-grown but Russian-bossed spies, must die in the electric chair for stealing the A-bomb secrets of their native land and turning them over to the Soviet Union, the U. S. Court of Appeals unanimously held yesterday.

As the decision was announced at the U. S. Courthouse in Foley Square, only one last avenue of escape remained for the desperate husband-wife espionage team—an appeal to the United States Supreme Court. Emanuel Bloch, of defense counsel, announced that he would file such an appeal.

Brother Not Affected.

Although the higher court also upheld the conviction and 30-year sentence of Morton Sobell, 35, who was convicted with the Rosenbergs, the Sobell decision was not unanimous. Judge Jerome N. Frank, dissenting, asserted that he believed there had been errors in the case before Federal Judge Irving S. Kaufman which justified a new trial.

The Court of Appeals ruling did not affect the 15-year sentence of David Greenglass, an associate of the Rosenbergs and Sobell but not a defendant at the trial. Greenglass had pleaded guilty previously and was the star witness against the trio. He is a brother of Mrs. Rosenberg.

In the Rosenberg opinion, written by Judge Frank and concurred in by Chief Judge Thomas W. Swan and Judge Harrie B. Chase, the court ruled that Judge Kaufman, whose conduct of the trial

(Continued on page 10, col. 1)

was the basis for the appeal, had "stayed well inside the discretion allowed him."

"Tried for Unorthodoxy."

"They (the Rosenbergs) say that they were sentenced to death not for espionage but for political unorthodoxy and adherence to the Communist Party; and that (assuming they are guilty) they had only the best of motives in giving information to Russia, which at the time was an ally of this country and praised as such by leading patriotic Americans," the opinion said.

"But the trial judge, in sentencing the Rosenbergs, relied on record evidence which (if believed) shows a very different picture. If this evidence be accepted, the conspiracy did not end in 1945, while Russia was still a 'friend,' but, as the trial judge phrased it, continued 'during a period when it was apparent to everybody that we were dealing with a hostile nation.'"

The opinion pointed out that it is a crime to give secret information to any foreign country, friend or foe.

Judge's Charge Cited.

"Accordingly," the document said, "the trial judge properly instructed the jury as follows: 'I charge you that whether the U.S.S.R. was an ally or friendly nation during the period of the alleged conspiracy is immaterial and you are not to consider that at all in your deliberations.'"

And the higher court said:

"Since the two defendants must be put to death if the judgments stand, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal."

In Death House Since April.

The Rosenbergs received the grim news in their deathhouse cells at Sing Sing, where since last April 5—the day their doom was pronounced—they have clung to the forlorn hope that the Court of Appeals might give them a new trial.

Julius Rosenberg is 34, an electrical engineer educated at the College of the City of New York, born on the Lower East Side of Russian immigrant parents. His 36-year-old wife, also a product of the East Side, bore her husband's two sons. Until their arrest, they lived in a $51-a-month apartment in Knickerbocker Village.

The Rosenbergs are the first native-born Americans to be sentenced to death for such treachery as theirs.

65-15348-A-415

Uphold Conviction Of 2 Doomed Atom Spies

By GEORGE GRADY and PHILIP SANTORA

The husband-wife espionage team of Julius and Ethel Rosenberg moved a step nearer Sing Sing's electric chair yesterday when the U. S. Court of Appeals unanimously affirmed their conviction last year for obtaining U. S. A-bomb secrets for the Soviet.

The Rosenbergs, first American citizens ever doomed for espionage, have been in the Sing Sing Death House since shortly after they were sentenced last April 5 by Federal Judge Irving R. Kaufman. Their only hope to escape execution now rests with the U. S. Supreme Court or in a Presidential commutation.

20-Page Opinion

Associate Judge Frank, in a 20-page opinion in which Chief Judge Swan and Associate Judge Chase concurred, asserted that, in view of the severity of the sentence, the appeal was scrutinized with extraordinary care. He held:

"The communication to a foreign government of secret material connected with the national defense can by no stretch of the imagination be deemed within the area of First Amendment protected free speech."

He disagreed, however with the two other judges in the appeal of Morton Sobell, who was tried with the Rosenbergs and was sentenced to 30 years. Sobell contended he should have been granted a continuance. Judge Frank said he should have a new trial, but was voted down, 2 to 1.

Rosenberg, 34, an electrical engineer, and his wife, Ethel, 36, were convicted on testimony given by Ethel's brother, ex-Army Sgt. David Greenglass, who admitted passing A-bomb secrets to Philadelphia biochemist Harry Gold.

Gold, who was sentenced to 30 years in prison, confessed that he passed on the secrets to Dr. Klaus Fuchs, an atomic scientist whom the British have jailed for 14 years for working with the Russians. Greenglass got 15 years.

On the day of sentencing, Judge Kaufman denounced the Rosenbergs, saying their espionage had led to the war in Korea.

Judge Frank yesterday asserted it made no difference whether Russia was an ally or a hostile nation at the time of the 1944-45 conspiracy and that Judge Kaufman behaved properly and "well inside the discretion allowed him."

"Evidence produced at the trial," the opinion continued, "indicated the defendants had expressed preference for the Russian social and economic organization over that of this country. They say that they were sentenced to death not for espionage, but for political unorthodoxy and adherence to the

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Deny Appeal Of 2 Doomed Spies

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Communist Party and that (assuming they are guilty) they had only the best of motives in giving information to Russia, which at the time was an ally of this country.

"But the trial judge, in sentencing the Rosenbergs, relied on record evidence which (if believed) shows a very different picture. If this evidence be accepted, the conspiracy did not end in 1945, while Russia was still a 'friend,' but, as the trial judge phrased it, continued 'during a period when it was apparent to everybody that we were dealing with a hostile nation.'

"Judge Kaufman could properly consider the injury to this country of their conduct, in exercising his discretion as to the extent of sentences within the statutory limits."

Judge Frank stressed:

"We must then consider the case as one in which death sentences have been imposed on Americans who conspired to pass important secret information to Russia, not only during 1944-45, but also during the 'cold war.'"

The Rosenbergs, parents of two children and born in New York, were represented by Emanuel Bloch, who said he will "definitely appeal" to the U. S. Supreme Court.

The U. S. Court of Appeals, though it can reverse a conviction, has not the power to modify a sentence—a fact pointed out by Judge Frank.

When the Rosenbergs were convicted, Judge Kaufman delivered one of the most stinging rebukes in the history of jurisprudence, calling their crime as "worse than murder." He said:

"Plain, deliberate murder is dwarfed by comparison with the crime you committed. I believe your conduct in putting into the hands of the Russians the A-bomb, years before our best scientists predicted Russia would perfect the bomb, has already caused the Communist aggression in Korea."

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DOOMED SPIES DENOUNCED BY APPEALS JUDGES

Julius Rosenberg and his wife, Ethel, flanking deputy marshal, yesterday lost their fight to escape electric chair when U. S. Court of Appeals reaffirmed death penalty imposed on them.
(International Photo)

65-15348-A-416

Court Affirms Death Sentences Of Rosenbergs

By ERNEST GEORGE

The convictions and death sentences of Ethel and Julius Rosenberg, convicted last year of conspiring to transmit atomic data to Russia, were upheld yesterday by the U. S. Court of Appeals. The unanimous opinion was written by Judge Jerome N. Frank and concurred in by Senior Judge Thomas W. Swan and Judge Harrie B. Chase.

The same court split 2 to 1 in upholding the conviction of Morton Sobell, who was tried with the Rosenbergs and sentenced to 30 years in prison. Judge Frank filed the dissent, saying Sobell should have had a separate trial.

The Rosenbergs, husband and wife and the parents of two young children, have been in Sing Sing's death house since their sentencing by Federal Judge Irving R. Kaufman last April. Their attorney, Emanuel H. Bloch, said he would file a motion for reargument of the appeal on the ground that the Court of Appeals misapplied the law. If this move fails, the case will be carried to the U.S. Supreme Court.

"We will fight this all the way," Bloch said.

The Rosenberg case evoked widespread interest here and abroad because it was advertised by the government as a link in an espionage chain involving British atomic scientist Dr. Klaus Fuchs and because it produced the first death sentences for espionage conspiracy ever imposed by an American civilian court in peacetime.

Principal witnesses for the government were David Greenglass, brother of Mrs. Rosenberg, and his wife. Greenglass, who faced a possible death sentence, confessed stealing atomic data and said he did it at the urging of Rosenberg. He was let off with a 15-year sentence and his wife never was indicted.

In the appeal to the Circuit Court, the defense argued that the government made a deal with Greenglass whereby he was promised a mild sentence in return for his implication of Rosenberg. It charged that the Rosenbergs were tried not for anything they actually did but for their leftist political beliefs.

The appeal also attacked the death sentences as "cruel and unusual punishment" and accused Judge Kaufman of conducting the trial unfairly and practically inviting a conviction on political grounds.

The Court of Appeals rejected three arguments, although Judge Frank, despite the fact that he wrote the unanimous opinion, did dissent on at least two points. One of these related to the government's calling, without notice to the defense, of a fourth surprise witness.

The court did not directly address itself to the severity of the penalties imposed, saying that it "has no power to modify a sentence" and that "it cannot be held these sentences are unconstitutional."

It rejected the charge that Judge Kaufman had been partisan and unfair and said: "We think the Judge stayed well inside the discretion allowed him."

As for defense challenges to government introduction of political ideologies into the trial, the court held that evidence indicating the Rosenbergs "had expressed preference for the Russian social and economic organization over ours" and that they were Communists "is incompetent." However, it added that "an American's devotion to another country's

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welfare cannot of course constitute proof that he has spied for that country; but one may infer that he is more likely to spy for it than other Americans not similarly devoted."

Of the defense argument that even if the defendants were guilty, they were guilty of no more than aiding a wartime ally, the court held that the evidence showed the conspiracy did not end in 1945 and that the death sentence covered activity during the "cold war" as well.

The Court of Appeals finding was bitterly attacked by the National Committee to Secure Justice in the Rosenberg Case, of which Joseph Brainin is chairman and whose membership includes Robert Morss Lovett, Waldo Frank, Dr. Katherine Dodd, B. Z. Goldberg and other persons of prominence.

The committee, which earlier had announced its first New York mass meeting for March 12, protested that the decision showed "shocking disregard of mountains of evidence."

65-15348-A-417

ROSENBERGS' GUILT AS ATOM BOMB SPIES UPHELD ON APPEAL

Full Court Affirms Death for Couple—Sobell Conviction as Conspirator Stands, 2-1

FURTHER PLEA IS PLANNED

Case to Be Taken to Highest Tribunal—Charges Against Trial Judge Rejected

By EDWARD RANZAL

The United States Court of Appeals unanimously affirmed yesterday the espionage convictions of Julius and Ethel Rosenberg for transmitting vital atom bomb secrets to Russia.

Rosenberg, 33 years old, and his wife, 36, were sentenced to death last April by Judge Irving R. Kaufman, who presided at their trial. Both are in the death house at Sing Sing awaiting execution. However, Emanuel Bloch, defense attorney, said he would take the case to the United States Supreme Court.

The court also upheld the espionage conviction of Morton Sobell in a two-to-one vote. Sobell, tried as a conspirator along with the Rosenbergs, was sentenced to thirty years.

The opinion on the Rosenbergs was written by Judge Jerome N. Frank. Senior Judge Thomas W. Swan and Judge Harrie B. Chase concurred. In the case of Sobell, Judge Frank voted for a new trial.

Aspects of the Conspiracy

The Rosenbergs were the center of a conspiracy that involved getting secret atom bomb information from Mrs. Rosenberg's brother, David Greenglass, while he was a sergeant in the Army assigned to the Los Alamos Project in New Mexico. This information was then turned over to a representative of the Soviet Union.

At the trial, Greenglass testified that he had been recruited into the espionage organization by the Rosenbergs for ideological reasons. Greenglass' wife, Ruth, also testified against the Rosenbergs. She was named as a co-conspirator but not a defendant. Greenglass was

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... with ... for the Government was Harry Gold, confessed Soviet spy, sentenced to thirty years. Gold, a member of the Klaus Fuchs spy apparatus, said he was the courier who got the secret information from Greenglass and turned it over to Rosenberg. Fuchs, British nuclear scientist, is serving time in England for turning over atom secrets to Russia.

Sobell was charged generally with being a member of the conspiracy. However, he had nothing to do with obtaining atom secrets. He was found guilty of turning over vital radar and electronics data to the ring while he was employed by the General Electric Company in wartime.

Sobell contended in his appeal that his trial should have been severed from the Rosenbergs because two conspiracies were charged, and he was accused of taking part in only one of them. He contended that going to trial with the Rosenbergs was highly prejudicial to his case.

Judge Frank's Views

In this connection Judge Frank wrote.

"A majority of this court have concluded that there was a single unified purpose; the 'common end' consisted of the transmission to the Soviet Union of any and all information relating to the national defense.

"The writer of this opinion disagrees. He thinks that there was error * * * which requires that Sobell be given a new trial."

At the beginning of the opinion Judge Frank wrote:

"Since two of the defendants must be put to death if the judgment stands, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal."

The court held that "the communication to a foreign government of secret material connected with the national defense can by no far-fetched reason be included within the area of First Amendment — protected free speech."

Emphasizing that it was a crime to give secret information to a foreign country, whether friend or foe, Judge Frank wrote:

"Accordingly the trial judge properly instructed the jury as follows: 'I charge you that whether the U. S. S. R. was an ally or friendly nation during that period of the alleged conspiracy is immaterial, and you are not to

Continued on Page 14, Column 3

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Rosenbergs' Guilt as Spies Affirmed

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consider that at all in your deliberations.'"

Although the defendants charged that Judge Kaufman behaved improperly so as to deny them a fair trial, the court said: "We think the judge stayed well inside the discretion allowed him."

As to the defense contention that it was incompetent for the Government to introduce evidence to show that the defendants were members of the Communist party, Judge Frank declared:

"An American's devotion to another country's welfare cannot of course constitute proof that he has spied for that other country. But one may reasonably infer that he is more likely to spy for it than other Americans not similarly devoted. This court and others have recognized that the Communist label yields marked ill-will for its American wearer."

In discussing the imposition of the death sentences, Judge Frank asserted:

"We must then consider the case as one in which death sentences have been imposed on Americans who conspired to pass important secret information to Russia, not only during 1944-1945, but also during the 'cold war.'

"Assuming the applicability of the community-attitude test proposed by these defendants, it is impossible to say that the community is shocked and outraged by such sentences resting on such facts.

"In applying the test it is necessary to treat as immaterial the sentences given (or not given) to the other conspirators, and also to disregard what sentences this court would have imposed or what other trial judges have done in other espionage or in treason cases. For such matters do not adequately reflect the prevailing mood of the public. In short, it cannot be held that these sentences are unconstitutional."

United States Attorney Myles J. Lane, who presented the evidence to the grand jury leading to the indictments, said the decision "demonstrates once again that no American can betray his country with immunity by disclosing our nation's most vital secrets to a foreign nation, whether friend or foe."

The prosecution staff was headed by Irving H. Saypol, then United States Attorney and now a New York State Supreme Court justice. He was assisted by Mr. Lane, then his chief assistant, and Assistant United States Attorneys Roy M. Cohen, James B. Kilscheimer 3d, Albert Blinder and Stanley Robinson.

SPIES FOR WHOM DEATH PENALTY WAS UPHELD

Associated Press

Julius Rosenberg and his wife, Ethel, whose sentences for espionage were unanimously affirmed yesterday by the United States Court of Appeals. They are shown here on their arrival at the Federal Courthouse last year.

65-15348-A-418

Spy Death for Rosenbergs Upheld; Defense to Appeal to Supreme Court

CONVICTIONS UPHELD—Atom spies Julius and Ethel Rosenberg on way to jail last year.

Associated Press

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The Death Sentences

Julius and Ethel Rosenberg were convicted of transmitting atomic secrets to the Soviet Union, in a conspiracy which began in 1944 and continued until 1950, and were sentenced to death. They were tried under the general espionage act. This authorizes the death penalty for acts committed in time of war, but not in time of peace; on the other hand, it does not require that the espionage should be in favor of a hostile power only. The United States Court of Appeals has now upheld both verdict and sentence. Few who followed the trial will be surprised that it has sustained the verdict. The sentence—the first death sentence for espionage or treason ever pronounced in time of peace and the first Federal death sentence passed upon a woman since the execution of Mrs. Surratt after the Civil War—has caused more doubts.

Yet the legal foundation for it is clear, since the conspiracy began during war time. It began, in fact, in early June, 1944, just as thousands of Americans were expending their lives on the bloody foreshores of Normandy. The Court of Appeals could have overthrown the sentence only on the grounds that it represented cruel, unusual or excessive punishment for the crime established; and it would be unfortunate to write into the law the principle that the supreme penalty is too much for what these people did. They were dabbling presumptuously in what they well knew to be the most terrible and dangerous of secrets; they were certainly taking it into their hands to affect in one way or another the relations of states and the destinies of millions. It is quite possible, if unprovable, that thousands may have died already because of their act. The atomic energy act, which was not applicable in this case because it was not passed until 1946, provides for the death penalty under similar circumstances, and not many have felt that it is excessive.

There are many who dislike capital punishment on principle; there are doubtless many who feel that there is extenuation in the fact that the Soviet Union was an ally, not technically an enemy, in 1944 and 1945, or in other reasons. If so, it would seem that the case might better be left to the Presidential power of commutation, rather than asking the courts to weaken the basic principles. Communist conspiracy is no game; whatever queer idealisms may lie behind it, it is a deadly thing.

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FBI - NEW YORK

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NEXT—COPLON

The U. S. Court of Appeals on Monday, we're glad to re-report, unanimously upheld the conviction and death sentences racked up against Mr. and Mrs. Julius Rosenberg on charges of stealing atom bomb secrets for Soviet Russia. Their next and last step is an appeal to the Supreme Court.

So now let's get on with the next trial of Judith Coplon, twice convicted on espionage and Government document theft charges and twice freed through legal technicalities. Coplon has now had that baby, and it's time for justice to have its inning.

When it considers all these cases, let's hope the Supreme Court will put first the interests of the United States.

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ANTI-SEMITISM and the Rosenbergs

Was the death sentence imposed on Julius and Ethel Rosenberg caused in part by anti-Semitism? Judge Kaufman's actions and words in the "A-bomb spy trial" spell danger. This is the story of the man and wife now in Sing Sing's death house.

By LOUIS HARAP

A LOWERING cloud of anti-Semitism hangs over the death sentence of Julius and Ethel Rosenberg for alleged atomic espionage. Many people—not Jews alone—feel uneasy about it. The pronouncements of presiding Judge Irving Kaufman at the sentencing were especially disquieting and aroused sharp criticism in Jewish circles.

Over a period of months before Judge Kaufman passed the death sentence in April 1951, the public had been fed copiously with speculation whether death would be imposed in the case. Despite this apparent preparedness of the public, the sentence evoked a gasp of horror. There was a general feeling that the sentence was savage and vindictive. More especially, however, the Jewish community, and more specifically, the East Side of New York, where the Rosenbergs had lived, was stunned. This was registered most vehemently, strangely enough, in the obsessively anti-communist and Hearst-like Jewish daily Forward.

On April 6, 1951, the day following the sentencing, the Forward editorial, entitled "Too Horrible," began: "When we editors got the news that Julius and Ethel Rosenberg were sentenced to death, a shudder passed through all of us. For a moment we sat as if stunned and found it hard to catch our breath.

ETHEL AND JULIUS ROSENBERG

It has been said that no anti-Semitism intruded into the trial itself. But this is to overlook the fact that Irving Saypol, the Jewish prosecutor, did not permit a single Jew, of the 300 jurors in the panel, to sit on the jury. This, in a city that is one-third Jewish, is no accident. Irving Saypol, as is now widely known, was admonished by the Court of Appeals in August 1951, for his appeals to "racial prejudice" against a Jewish witness in the Remington case. In the Rosenberg case he was again guilty of "racial prejudice" when he did not consider a Jew to be a suitable juror. This is flagrant discrimination and an affront to the loyalty and devotion of the Jewish people to the best interests of the United States. It is a highly suspicious aspect of the government's approach to this case.

... and the prosecutors were also Jewish. No doubt the government thereby hoped to preclude any charge of anti-Semitism in meting out the unprecedented death sentence. It was not generally noted however, that the government made sure that those who would render the verdict itself, the jury, contained not a single Jew. But the law under which the Rosenbergs were tried called for a penalty of up to 30 years in prison or death. Once the jury gave

the sad news felt this way. From our hearts came the words, 'Death sentence, too horrible!' Although the Forward agreed "One hundred per cent with what the judge said," it thought that the sentence should have taken account of its effect on the two small children and the old parents of the Rosenbergs. "Every Jewish home will be shattered by this tragedy," concluded the editorial.

DISAPPROVAL OF THE SENTENCE

Vigorous disapproval of the sentence was expressed also by the other Yiddish dailies, the Day and Morning Freiheit. (The Morning Journal, the only other Yiddish paper, had temporarily suspended publication at this time.) Nor could this disapproval be construed as a momentary emotional reaction. For we find that Forward editor Hillel Rogoff wrote on April 12, in an incredible red-baiting article, that he disapproved the death sentence. In a second editorial on the case the Day said on April 8, that "We hope that a way will be found to set aside the death sentence." And in an article entitled "The Death Sentence Should be Changed," in the Day of April 16, H. Leivik, one of the best-known living Yiddish poets and an intense anti-communist wrote: "I feel completely on the side of those who are saddened by the death sentence," primarily because Ethel Rosenberg was the mother of two small children and because of the old parents.

There is no doubt that behind this uneasiness that pervaded the Jewish community was a feeling that somehow anti-Semitism had operated. The country had had trials of a number of confessed traitors like Axis Sally and others; a number of alleged atomic spies were deemed more important than the Rosenbergs. Yet no one had received the death sentence until two East Side Jews were tried. Why?

Louis Harap, author of "The Social Roots of the Arts," is managing editor of Jewish Life, from which this article is reprinted.

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ominous when it is considered, as this writer knows from his reading of the transcript of the trial, that the government did not prove its case beyond a reasonable doubt. Under our law, a defendant is considerded innocent unless and until proven guilty. Are the Rosenbergs victims of a political frameup, as they have asserted without reservation from the first moment of their accusaion until the present, when they sit in the shadow of the electric chair? While the self-confessed spies Ruth and David Greenglass got off with freedom and a 15-year sentence, respectively, because they involved the Rosenbergs, did the government seize upon the Rosenbergs for conviction and death because they were not only Jews, but also radicals? Was the government here exploiting the case to advance anti-Communist hysteria by strengthening the "Jew-communist-atom spy" stereotype in the public mind? Some people may be shocked at this suggestion. But the Sacco-Vanzetti and Tom Mooney frameups, as well as Scottsboro and the routine frameups of countless Negroes are indisputable facts of history.

PRESSURES FOR A DEATH SENTENCE

The anti-Semitic effects of the trial are beyond conjecture. The lunatic fascist fringe exploited the conviction promptly. Anti-Semitic stickers about the Rosenbergs were seen in the Bronx. About ten days after the verdict, some thousands of cards were distributed on a construction job in Rochester, New York, blaming the Rosenbergs for the danger that the Soviet Union might rain atom bombs on this country. The Rosenbergs figure in the current line of the fascists that "The Jews Have Got the Atom Bomb," as a pamphlet distributed widely by Gerald L. K. Smith is called. In another pamphlet by Frank Britton entitled Atom Treason, the Jews David Lilienthal and Rear Admiral Lewis J. Strauss, formerly of the Atomic Energy Commission, are linked with this "Jewish conspiracy" to control the atom bomb, along with Dr. Klaus Fuchs, the

JUDGE IRVING KAUFMAN

Rosenbergs and other alleged atom bomb spies.

It cannot be accidental that in this case where the defendants were Jewish, the verdict of guilty, how could the judge be brought to break all legal precedent in a civil case involving espionage and impose the death sentence rather than imprisonment? It was known that the Justice Department wanted a death sentence as part of its campaign of intimidation of progressives. And did prominent Jews urge Judge Kaufman to impose the death sentence?

Where then did anti-Sentism enter into Judge Kaufman's considerations? Judge Kaufman wanted to convince those who would make anti-Semitic capital out of the fact that some alleged atomic spies were Jewish by showing them that Jews were also 150 percent Americans. If a Jew imposed the extreme penalty on Jews for alleged espionage, then the anti-Semites should be convinced that not all Jews were "communist-atom spies." Judge Kaufman's thinking is here similar to that of many frightened Jews of the American Jewish Committee and of the upper middle class who try to combat the "Jew-communist" stereotype by joining vociferously in the chorus of red-baiting. The judge wanted to demonstrate what the New York Daily Mirror said editorially on April 3 "Some bigots will say the three spies are Jews and will denounce all Jews. They will forget to say that the judge, the prosecutor, and the prosecutor's assistant who did a magnificent job for America, are also Jews." It would appear, then, that the death sentence was imposed to appease the bigots.

To clear up any doubt that this element entered into the judge's thinking we may quote the judge himself. The Forward of April 5, 1951, carried an

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interview with the judge in his chambers by Louis Shaefer, who had reported the trial for that paper. This is how Shaefer ends his story: "Upon leaving, I said, 'Judge Kaufman, this was a most pleasant afternoon for me personally and I am sure that all the readers of the Forward will be grateful to you for giving me this interview. At the same time, I would like to tell you that, while the Rosenbergs and the Sobells shame us, you and such a person as Irving Saypol deserves thanks for showing the world that there are also Jews of whom we can be proud.'

"'This affords me great pleasure,' the judge replied. 'I was especially pleased when I read the same thought expressed in an editorial in last Saturday's Journal-American.'"

In the Jewish press there was a definite current of opinion that the severity of the sentence was owing to the judge's desire to bend over backwards to convince the country, and especially its anti-Semites, that not all Jews were "spies." M. Danzis, editor of the Day, in an article in that paper on April 12, entitled, "Judge Kaufman and the Rosenbergs," said: the Hearst Daily Mirror editorial cited above meant to the judge that "Judge Kaufman and Prosecutor Saypol should atone not only for the sins of the Rosenbergs but of all other Jews. The death sentence imposed by Judge Kaufman left the feeling that precisely because he is a Jew did he go to an extreme and deal judgment with a heavy hand. This feeling flows from the experience which we often have with Jewish judges and with other Jews who occupy political positions." Danzis then recalls an experience he had with then Governor Herbert H. Lehman in the thirties. Nazi Bundsmen in Yorkville had terrorized Jewish business men into abandoning their businesses and Danzis visited the governor in Albany to plead with him to do something about the situation. Lehman quite frankly told Danzis that "because he is a Jew, it was difficult for him to take measures that someone else, a non-Jew, would apply. If I were to suppress the Nazi hooligans in Yorkville,' said Lehman, 'they would say that I did it because I am a Jew, I therefore leave it to the mayor.'" Danzis concludes: "Therefore there is a suspicion that the fact that Judge Kaufman is a Jew has perhaps unconsciously motivated him to issue a sentence which, in the opinion of many, is considered to be unjust and [illegible]"

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THE FUTILITY OF APPEASEMENT

Essentially the same view was expressed by H. Leivik in the article cited earlier. "What caused the judge to impose the extreme penalty?" asked Leivik. "Is it not perhaps the fact that the judge is a Jew and the defendants are Jewish? The judge . . . struggled with his duty to be objective and did not have the strength to rise above himself, did not have the power to free himself from the heated tensions in the land today. He was also afraid that, if he did not give the extreme penalty, he would be suspected of having not done so because he is a Jew. . . . Precisely because Jewish accusers and a Jewish judge stood against accused Jews, . . . the judge should have been free form the Jewish complex and should under no circumstances have passed the death sentence upon a mother of two children."

One more witness is Dr. G. George Fox, a rabbi and columnist of the Chicago Sentinel, who wrote in the issue of April 12, the judge's decision is "unjust. . . . I believe . . . that he was carried away to an extent by the hysteria which has overtaken our country." Then, discussing the anti-Semitic identification of all Jews as "communist spies," Dr. Fox added: "One does not have to bend his back backards to avoid things that may bring on insecurity and perhaps danger. Anti-Semites will be anti-Semites whether the Rosenbergs are sentenced to 30 years or death."

In this last statement Dr. Fox has put his finger on the futility of appeasement of anti-Semites by Jews, of which Judge Kaufman's imposition of the death sentence is a tragic example. The futility of appeasement was demonstrated in the case of German Jews, who thought that they could gain immunity from anti-Semitism and Nazi persecution by being more German than the Germans. Judge Kaufman tried to appease fascists and anti-Semites in America by being more hysterical than non-Jewish Americans.

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Say 'Hysteria' Condemned Rosenbergs

The decision of the U.S. Circuit Court of Appeals upholding the conviction and death sentences of Julius and Ethel Rosenberg for espionage "confirms our fears that blind hysteria and political passion motivated the trial, verdict and sentences," the National Committee to Secure Justice in the Rosenberg case said yesterday.

The committee, whose sponsors include Robert Morss Lovett, Waldo Frank and Dr. W.E.B. DuBois, said in a statement:

"The court admits that charges of communism, denied by the Rosenbergs, 'can be highly inflammatory in a jury trial,' but allows these unsupported charges because 'one may reasonably infer that (Communists are) . . . more likely to spy.'

"The court admits that in times of high hysteria, a judge's warnings against bias may be 'no more than an empty ritual,' but will not reverse the verdict because 'this danger is one of the risks run in a trial by jury' and suggests that the defendants might have been better off if they agreed to a trial by a judge alone.'

"The court admits that the death sentences . . . may not have rested solely on the alleged crime with which they were charged, but instead on the judge's 'evaluation of a host of factors,' and conceded that, if it had the power, it might give 'serious consideration' to altering the death sentences."

The committee announced that a protest rally would be held the night of March 12 at Pythian Hall, 135 W. 70th St.

This is being exposed by informants

We should have someone attend to check informant coverage

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J Harrington

Harrington: note lead

#6

NEWSPAPER EXTRACT FROM
N.Y. N.Y. COMPASS
DATED FEB 29 1952
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Labor Today

2nd-String Reds to Find Fewer Fans at Trial

Commie Unionists Aren't Going Out On Limb as They Did in 1949

By NELSON FRANK,
Staff Writer.

The second-string Communists who appear in court today won't find nearly as many trade unionists on their various supporting committees as were around at the first Commie trial in 1949.

An unionists are even scarcer on the committee to help Julius and Ethel Rosenberg, the husband and wife whose sentence to the electric chair for spying for Russia was upheld by the Circuit Court of Appeals last week.

Despite the fact that the Rosenberg case is of greater importance to the Communists and their secret bosses, only one current trade union officer is on the committee along with one defeated officer: Irene Strain, vice president of the Fur Workers Union, a Mandel partisan, one of the union officers and Jack T. Whitehouse, one of the CIO's Newspaper Guild in the other.

Threat to Reds.

The death sentence of the Rosenbergs constitutes the greatest threat to Communist security in the country since the party was established in 1919. It is the second time in the existence of the Soviet Union that the Reds have had the death sentence [illegible]

[illegible] Judge Irving R. Kaufman [illegible] a death sentence and a [illegible] upheld by the Supreme Court and [illegible] Judge Frank [illegible]

[illegible] Harry S. Joseph [illegible]

[illegible] Rosenberg case [illegible] Thereon, the Daily [illegible] to publication a long editorial [illegible] "our President Truman [illegible] from the [illegible] for a halt to the judicial business."

Pure Will Act.

With this call it's certain that most party support, especially from among those who are [illegible] Communist party, will be [illegible] to be mobilized for the Rosenbergs.

It may be assumed that a trade union committee to help them will come along, for after all Julius Rosenberg was a member of a union. Naturally it was a Communist controlled one, the Federation of Architects, Engineers, Chemists and Technicians, and Mrs. Rosenberg testified that she and Julius put union grievances to her husband.

The union was later merged with the United Office and Professional Workers of America, one of the outfits CIO expelled for being under the Communists' domination. This merged with the Distributive, Processing and Office Workers. The union now trying to break away from Commie influence and, of course, the DOPWA remnants are leading the fight to keep the DPOW bowing to the party line.

For several of the second-string Commies now on trial, there have been set up special committees. Louis Weinstock has one. He was the party's perennial May Day chairman and for some years was head of the AFL's Painter's Union here. Since being defeated for office by the membership, he has been expelled from the union.

The same sort of committee was established for Al Lannon, a one-time member of CIO's National Maritime Union who has been a party functionary for years. It was under his direction that the party has cut completely to the core party-controlled NMU, until now even ordinary members aren't allowed in the NMU if they are Commies.

Slower Summer.

Since the first batch of Communist leaders was convicted in 1949 there has been a steady decrease in party membership. In fact, the party which always had a continual loss has been forced to take in new members just to keep up to be performing a minimum service for the [illegible]

Since 1949 the number of [illegible] under party control through the national [illegible] from the CIO, leaving a few AFL unions and the Shipping Workers.

[illegible] Joint Council of Union Veterans was [illegible] to "defend" the original Communists. It's doubtful if [illegible] will [illegible] to be [illegible]

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Rosenbergs Push Fight for Lives

Atom spies Julius and Ethel Rosenberg today asked the U.S. Circuit Court of Appeals, which recently upheld their convictions and death sentences, for a rehearing of their case.

The Rosenbergs, convicted March 29, 1951, were sentenced April 5 and are now in the death house at Sing Sing.

Emanuel Bloch, their counsel, argued today in the rehearing petition that the "entire prosecution, conviction and sentence were unconstitutional." He said the defendants were tried as traitors without the "protections of the two-witness rule provided in such cases."

The petition, Mr. Bloch said, was based on "the application of incorrect legal principles" used by the court in affirming the lower court's espionage conviction.

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Reds to Speak:

Veterans Protest Atom-Spy Rally

By HOWARD RUSHMORE

Formal protests against a rally scheduled for tomorrow in behalf of Julius and Ethel Rosenberg, Soviet atom bomb spies awaiting execution in Sing Sing, today were made by the Jewish War Veterans and the Catholic War Veterans.

Both groups lodged protests with the owners of Pythian Hall, 135 W. 70th st., assailing the meeting as fundamentally un-American and against the public interest.

It was learned that the American Legion and the Veterans of Foreign Wars were considering similar action.

A prepared speech by the spies will be read at the meeting called by the "Committee to Secure Justice in the Rosenberg Case" with leading Communists—some of them jailbirds and publicly-named security risks—as speakers and sponsors.

How the Rosenbergs, whose espionage conviction was upheld last week by the Circuit Court of Appeals, were permitted to prepare their speech in Sing Sing was not explained by the committee.

Among the speakers scheduled are William L. Patterson and Mrs. Helen Sobell.

Paterson, an avowed Communist and for years a Chicago and Detroit organizer for the Reds, recently had his passport revoked by the State Department after Patterson had gone to Europe as a spokesman for international Communism.

Mrs. Sobell is the wife of Morton Sobell, convicted as a co-conspirator of the Rosenbergs in their trial last year.

Sponsors of tomorrow's meeting include:

Nelson Algren, a Chicago writer who has marched in local May Day parades; Dr. Edward K. Barsky who recently left a Federal penitentiary after serving a term for contempt of Congress.

Also Hugh Mulzac, a former Merchant Marine captain termed by the Coast Guard a security risk and denied a ship; Herbert Aptheker, an avowed Communist writer and others with local records of Communist front affiliation.

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2 Atom Spies Ask U. S. Court For Rehearing

A petition for a rehearing for atom spies Julius and Ethel Rosenberg, now in the Sing Sing death-house, was filed yesterday in the U. S. Court of Appeals, which upheld their convictions and death sentences.

Claiming that the "entire prosecution, conviction and sentence were unconsitutional," attorney Emanuel Bloch said that the Federal Court trial before Judge Irving R. Kaufman was "stamped with judicial unfairness."

No Proof, He Contends.

Referring to a trial court ruling that membership in the Communist Party is "competent evidence that a member subscribed to the alleged tenets of the party," Bloch contended that the prosecution never proved that the Rosenbergs were members.

Bloch maintained that "the Rosenbergs, subjected to a treason prosecution, were convicted without the constitutional safeguards afforded persons accused of treason, namely the prerequisite of 'testimony of two witnesses to the same overt act.'"

Later in the day, counsel for Morton Sobell, convicted with the Rosenbergs of plotting to commit espionage and sentenced to 30 years, also filed a petition for a rehearing of his case.

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(7-10-52)

TRANSFER SHEET
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FILE 65-15348-A 1/20/53
Class Number Last Serial Date

Serials 443 Date

Serials transferred to 65-15348-E-13 Date

Serials Date

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FILE _____ 65-15342-A _____ _____ 1/20/53
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FILE # 65-15348-A 1/20/53

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Serials transferred to 65-15348-E-6 _____
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Rally for Atom Spies Protests Treason Doom

About 1000 persons attended a rally here last night protesting the treason convictions of Ethel and Julius Rosenberg, atom-bomb spies now under death sentence.

The rally was held by "The Committee to Secure Justice in the Rosenberg Case" at Pythian Hall, 135 W. 70th St. The committee said it would telegraph a demand to President Truman "not to contest the defense's appeal for a reversal of the verdict and a new trial when the case is brought before the U.S. Supreme Court."

Mrs. Morton Sobell, whose husband received 30 years for complicity in the case, said: "We're proud because we have not betrayed our ideals or our friends." The rally had been attacked in advance by the Jewish War Veterans, the Catholic War Veterans, the American Legion and the Veterans of Foreign Wars, but there was no picketing.

65-15348-A-448

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MAR 17 1952
FBI - NEW YORK

N.Y. WORLD TELEGRAM & SUN
MAR 13 1952

ASAC 1
ASAC 2
SEC. 1
SEC. 2
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SEC. 4
SEC. 5
SEC. 7
SEC. 8
SEC. 9
SEC. 11
SEC. 12
NIGHT SUPERVISOR
CLER
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B'nai B'rith Warned:

Rosenberg Case Used in Red Plot

By HOWARD RUSHMORE

Members of B'nai Brith, the largest Jewish organization in the United States, have been warned that the Communists are using the conviction of Ethel and Julius Rosenberg to further subversive activities in this country.

Regional offices of the organization, which has 350,000 members, have been alerted by the Anti-Defamation League, the educational section of B'nai Brith.

Meanwhile, four veteran organizations resolved to fight further "defense" rallies held on behalf of the two atom bomb spies now awaiting the electric chair.

1,200 AT MEETING.

Officials of the Jewish War Veterans were present at Pythian Hall, 135 W. 70th st., last night where 1,200 persons cheered speakers who portrayed the Rosenbergs as "great Americans."

The meeting was held despite protests by the JWV, the Catholic War Veterans, the American Legion and the VFW.

Emanuel Goldstein, manager of Pythian Hall, said after he heard speakers denounce the government and its judges:

"We won't have these people here again."

Chief target of the speakers was Federal Judge Irving R. Kaufman, who last year sentenced the Rosenbergs and their co-conspirator, Morton Sobell. The latter spy received 30 years.

Helen Sobell, his wife, told the audience that she spoke for the Rosenbergs and her husband when she said "We are proud, for we haven't betrayed our ideals or our friends."

Other speakers identified by Congress as sponsors or members of Communist-front organizations included Albert Kahn, Mary Van Kleeck and Joseph Brainin.

A message written in the death house by the two Rosenbergs was read to the audience, which frequently interrupted with cheers.

Irving H. Saypol, former U.S. Attorney who prosecuted the Soviet agents, also was singled out for ridicule and abuse.

CCB

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N. Y. N.Y. JOURNAL AMERICAN

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The Fake Issue

Julius and Ethel Rosenberg were found guilty of atomic espionage and sentenced to death. Nothing that happened at their trial raised serious public doubt about their guilt. Even the Communist press seemed undecided for many weeks whether to take the view that they were innocent or that they were just trying to promote world "unity" by sharing America's secrets with Russia or, finally, that the secrets were trivial anyway.

Now, belatedly and after some rewriting of the history of the trial, a thinly-veiled Communist front known as the Committee to Secure Justice in the Rosenberg Case is staging a shrill campaign to prove it was all a monstrous "frame-up" and to "force" the Supreme Court to upset the verdict. In the course of this campaign the committee has raised the synthetic cry that anti-Semitism motivated the prosecution, the trial judge (Irving Kaufman) and the Appeals Court which, in an opinion written by Judge Frank, upheld the verdict and sentence.

Reasonable men may, it seems to us, debate the wisdom of the death penalty. Convicted Axis agents were punished with prison sentences: there may be a question as to whether the nature of the Rosenbergs' crime — the transmission of atomic data — was sufficiently greater to warrant execution. But that is not the way the issue is being pleaded by the Rosenberg committee. The injection of the fake charge of anti-Semitism is a calculated and loathsome attempt to confuse the true issues and poison the American air.

The Anti-Defamation League of B'nai B'rith and other Jewish groups have vigorously assailed the Communist propaganda campaign. The Rosenbergs are Americans who were convicted of betraying their country; like any human beings caught in the web of treason, they are tragic and wretched figures. But the effort to bestow a last-minute martyrdom upon them is a hollow Communist show. By thrusting false religious issues into the case, the Communists are inflaming the prejudices they profess to depl-

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To: From:

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SUPERVISOR
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MAR 7 1952
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SAC
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ASAC 2
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SEC. 4
SEC. 5

The Lyons Den

By Leonard Lyons

Julius
*65-101951
*100-15348
Ethel
*100-15348

T. S. Eliot, the Nobel Prizewinning poet and playwright, once attended a boarding school in Massachusetts. He was a shy, well-behaved boy at school. Eliot, in fact, was such a shy student that he recently received a letter from one of the school's officials, who pointed out that Eliot was one of the few boys who never had carved his initials anywhere on the premises. The official suggested that if Eliot now would sketch the kind of carving he liked, they would be glad to have someone do it for him now.

The Senate Committee investigating Communism is sending a special emissary to New York, on an important mission. The emissary will return to Washington with a surprise witness, a former high-ranking Communist who will testify about the Red conspiracy. The witness is a woman . . . Alec Guinness, the British star, is touring the provinces in a new play by Sam Spewack. It takes place in an ant-hill. "The actors love it," said Guinness. "We can have a picnic without leaving the stage" . . . There will be additional income tax indictments here on Monday, involving numbers racketeers . . . Frank Sinatra has been signed to appear at the Ambassador's Cocanut Grove in Los Angeles.

Capt. Henry Gellerman, of the Psychological Warfare Division in Heidelberg, tells this fable, in describing the Red demands at peace-talks: A hunter, carrying a powerful rifle, met a bear with long claws. The bear asked: "What do you want?" and the hunter said: "An overcoat for myself" . . . The hunter asked the bear: "And what do you want?" and the bear said: "My breakfast." The bear then invited the hunter to come into his den to talk it over, and the hunter agreed. The bear emerged alone, after his happy compromise: The bear had had his breakfast and the hunter had his overcoat.

Because the Kingsbridge Armory, where Sonja Henie will open her new ice revue, has large windows, the show will cost $10,000 more. Miss Henie needs complete darkness during the matinee performance so that the spotlight can play on the costumes and skaters. The windows therefore will have to be painted black, for $5,000, and then restored for $5,000 more . . . During the President's stay at the Waldorf he will visit with his former Senatorial colleague, Warren Austin . . . Louis Fischer's new book, "The Life and Death of Stalin," has just gone to press. Fischer will leave next week, for a round-the world trip. He'll be away for a full year.

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CLIPPING FROM
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N. Y.

DATED MAR 19 1952
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MAR 19 1952
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Alexander Korda, the movie producer, lives on the grand scale. He has the penthouse at Claridge's in London. His business office is a fine house in the most fashionable part of the city. One of his friends mentioned this high-living to Korda, who scoffed: "Nonsense. It's just a legend. I am a practical man. Take my yacht, for instance." Korda's yacht is a large one, on which he cruises in the Mediterranean for many weeks. "When I spent all that money for the yacht, everybody said I was extravagant. But look at this." He showed a letter offering a huge sum for a 3-months' charter . . . "Fine, fine," said his friend. "Are you accepting it?" . . . "Rent my yacht?" replied Korda. "Certainly not."

The Rokeach Foundation sponsored the printing, in Braille, of the Hagadah, the Passover ritual celebrating the exodus from Egypt. The Braille Hagadah will be distributed free to institutions for the blind throughout the world . . . Larry Haines, the actor who played Willie Sutton in the radio dramatization of the bank robber's life received a threatening phone call. After Arnold Schuster, the young man who recognized Sutton, was killed, Haines received another phone call: "Now the heat's off" . . . When Bernard Gabriel does his piano recital at Carnegie Hall next month, he'll have to pay an ASCAP fee for playing "Dance of the Atoms"—although it's his own composition.

On Wed. over 1,000 persons attended a rally by "The Committee to Secure Justice in the Rosenberg Case." It would be interesting to trace what happens to the funds raised at this rally. Persons really anxious to save the lives of the Rosenbergs should rally to get the convicted atom-bomb spies to confess the full story of their espionage. For only if Julius and Ethel Rosenberg talk can they save their lives. They have 60 days now—and 60 days more, after the U. S. Supreme Court rejects their final appeal—in which to get a reduction in sentence, by making full disclosure. Whether they die for Russia or live for their children therefore is up to the Rosenbergs alone.

Martin & Lewis' appeals for funds to support research into Muscular Distrophy have raised enough for research grants to Duke University, Alabama Poly and the Univ. of Iowa . . . Paul Hartman accidentally wandered into his agent's office and learned he'd been the object of a 3-day search, as replacement for Victor Moore in "Of Thee I Sing." Hartman had been spending the 3 days rehearsing for his "Break the Bank" telecast . . . Frank Costello's lawyer had his re-trial postponed because Wolff is being treated by 7 doctors for penicillin poisoning.

Last year Bert Wheeler did a straight reading on "This Is Show Business." Abe Burrows, then a member of the panel, criticized Wheeler for not adhering to comedy. Next week Wheeler returns to Broadway in "Three Wishes for Jamie." He was hired for it by director and co-author Burrows, who remembered Wheeler's straight reading and now liked it . . . Another member of the same panel, George S. Kaufman, is casting "Of Thee I Sing." Abe Stein, who wrestled in the big time for 20 years, applied for the wrestler's role and was turned down. The next day Stein appeared with 4 wrestlers, who weighed 300 lbs. each, and offered to throw them. "No," said Kaufman. "We need someone who *looks* like a wrestler, not someone who can wrestle."

Mrs. Rosenberg Waits Appeal Action:

Woman Spy Unremorseful Sitting It Out in Death Cell

Go-Between on A-Bomb Data For Reds Thrives on Good Care

By ATRA BAER

Ice-calm unremorseful, prisoner No. 110510—atom spy Ethel Rosenberg—awaits death in Sing Sing's electric chair.

Today, a year and a half since she was brought to the women's wing of "Death Row," she is waiting her turn to die with all the nonchalance of a housewife standing in line at a supermarket.

The outcome of an appeal to the United States Supreme Court will determine whether she dies, and when.

Contempt for death . . . and contempt for life . . . are qualities essential to being a Communist spy. And Ethel Rosenberg and her husband, Julius, 33, are convicted spies.

Julius Rosenberg also awaits execution in the male "condemned block" which temporarily houses 12 murderers. The Rosenbergs aren't very popular even in Death Row society.

The dozen murderers killed 14 victims between them. But 18,006 American soldiers have died to date in Korea fighting for the country the Rosenbergs sought to destroy.

"I feel fine, just fine," Ethel Rosenberg relayed to this reporter through Warden Wilfred L. Denno.

She should feel fine. So far the government has spent more than $6,000 for wholesome food, medical expenses and 3 matrons to watch constantly over her.

Looking objectively at Ethel Rosenberg she hardly seems like the traditional conception of a spy.

She is a tiny woman—barely 5 feet tall. The babyish roundness of her face is framed in short, natural brown curls. The drab cotton prison uniform fails to disguise the fact that her figure is plump and soft.

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SEC. 8
SEC. 9
SEC. 11
SEC. 12
NIGHT SUPERVISOR
PROPERTY CLERK
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Harrington

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N. Y.
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"Soft" is the word you think of when you look at Ethel Rosenberg.

She's about as soft as steel.

NO TROUBLE AT ALL.

"Mrs. Rosenberg eats regularly, sleeps well, is cheerful and is no trouble at all to the matrons assigned to her," said Warden Denno.

Sitting in the Warden's office, we looked out the thick-barred windows, and over Sing Sing's grounds.

The Ossining, N. Y., Prison encompasses 53 grim acres of Armed Guards and forbidding grey-white walls as far as eye can see. The buildings, the paths and driveways are grey white. Even in the warmth of a Summer afternoon it seems as if a Winter snow had fallen.

If Mrs. Rosenberg is "cheerful" here, perhaps she isn't human.

"She reads constantly. Countless books from our library are brought to her," continued Warden Denno.

These are mainly essays on philosophy and biographies, no fiction. She reads only one daily publication, which is mailed to her.

CAN RECEIVE MAIL.

"She is permitted to receive and write letters...subject to my approval," the Warden stated. "And once a week, she is permitted to have visitors, but no one has come to see her except her lawyer, Emanuel Bloch."

The fact that Mrs. Rosenberg's family is not on visiting terms with her is not unusual. "We never did get along," she stated at her trial.

This was quite an understatement, since the testimony of her brother, former Army Sgt. David Greenglass, put the Rosenbergs directly in the shadow of the chair.

During the pair's trial, Greenglass testified his sister and brother-in-law had persuaded him to supply them with atomic secrets from the Atomic Project

in Los Alamos, N.M., where he was stationed.

Greenglass testified they paid him amounts ranging from $500 to $5000, and told him they were turning the information "over to the Russians."

"Mrs. Rosenberg's children, Robert 9, and Michael 4, are now in a summer camp, and she hasn't seen them in a year," said Warden Denno. "They were being cared for by her mother-in-law previously."

The warden said he would like to "stress the fact that the Rosenbergs are treated like all the other condemned prisoners."

BREAKFAST AT 7:30.

Number 110510's day begins at 7:30 a. m. when breakfast is brought to her 9-by-5-foot cell.

Her cell is lamplighted and she has a radio which plays constantly.

When the weather is good, she enjoys two exercise periods daily in a small outdoor court in the woman's wing. She used to play handball regularly with a matron. "But now she just walks a little and sits in the sun," said the Warden.

At noon, lunch is served. Plump Mrs. Rosenberg is fond of starchy foods which she eats in large quantities. At 7 p. m. dinner is served. At 9:30 "lights out" is sounded.

On Thursdays Ethel Rosenberg is allowed to visit with her husband for an hour and a half's talk through a wire grill.

"They talk quietly and there's no hysteria," Warden Denno said. "Both seem to be exceptionally calm people."

SANG WHEN SENTENCED.

When Judge Irving R. Kaufman sentenced the pair to death they left the Federal Courtroom singing the "Battle Hymn of the Republic" and a few bars of "Goodnight Irene." Asked if Mrs. Rosenberg is still singing, the warden said:

IN ICY CALM. convicted atom spy Ethel Rosenberg is awaiting electrocution at Sing Sing prison.

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